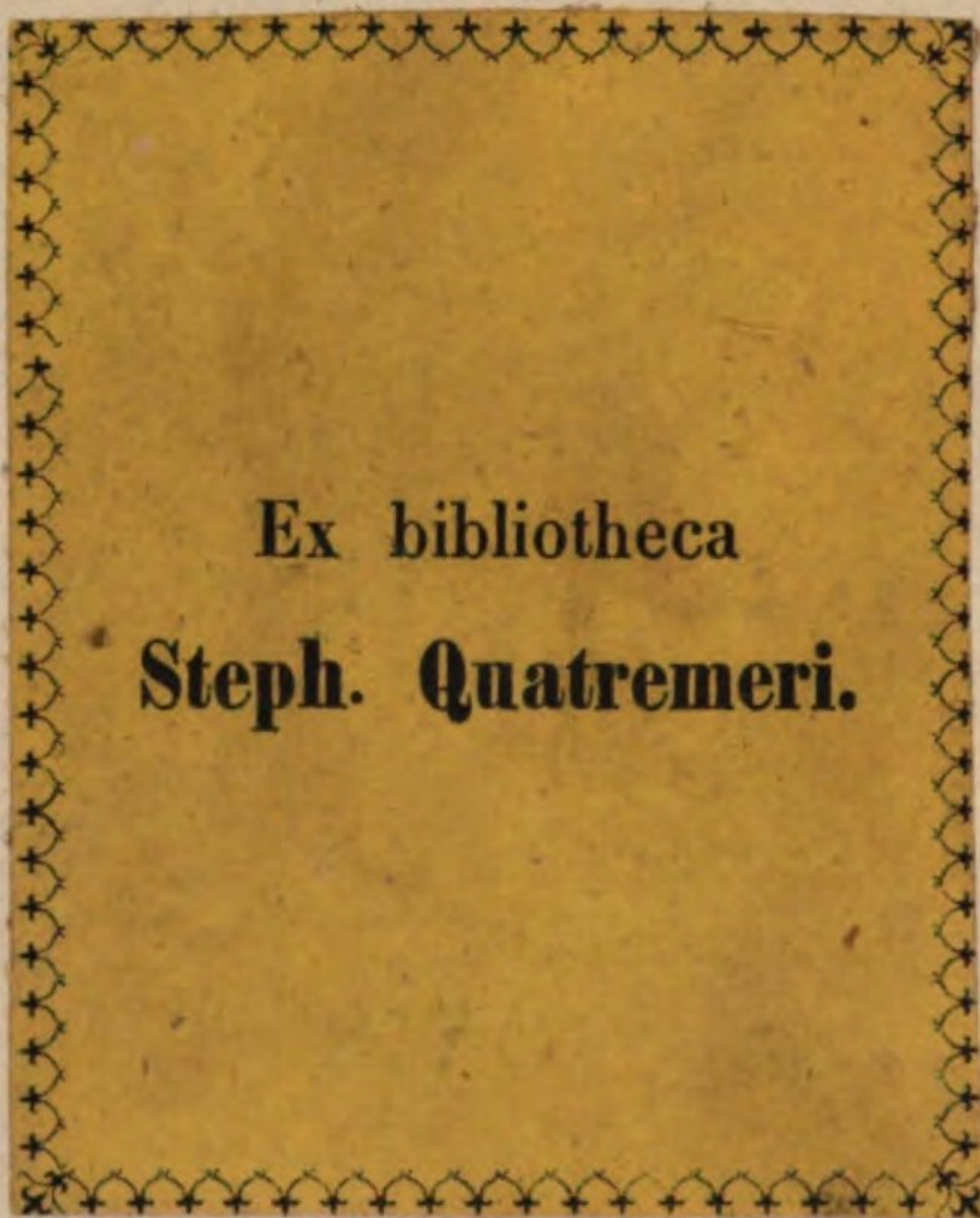
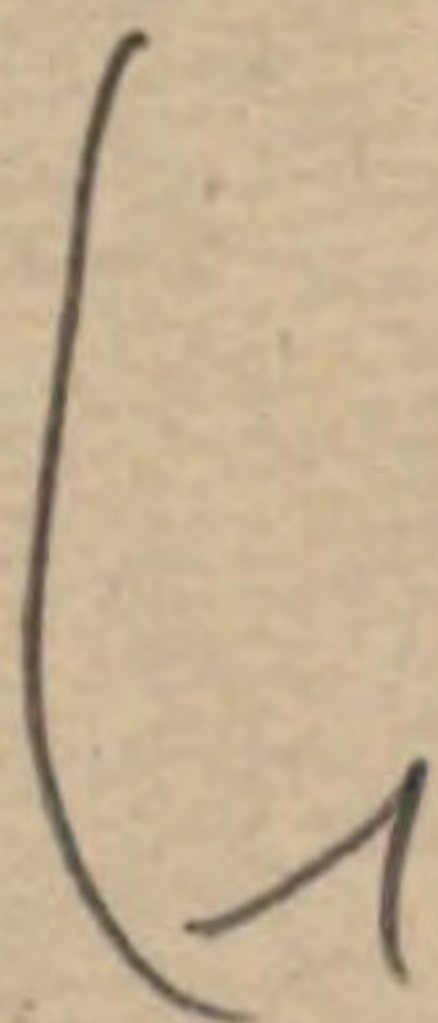


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THE
L A W S
OF THE
ISLAND
OF
A N T I G U A .



Published by the Authority of the Legislature of Antigua, and under the
Revision of Anthony Brown, Esq. Colonial Agent in London.

HAMUEL KNIGHT, STRAID, LONDON.

1803

4. J. vol. 388 / 1

AN T I G U A :

ACTS OF THE LEeward ISLANDS

ACTS OF ANTIGUA

ISLAND

ANALYTICAL TABLES OF THE TITLES OF THE ACTS

A C O P I E D I N D E X . A N T I G U A .

In Two Columns

VOL. I.



Printed by the Stationer, at the Office of the Stationer, and under the
Direction of the Stationer, at the Office of the Stationer, in London.

1379

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THE
LEEWARDS
OF THE
ISLAND
OF
ANTIGUA:
CONSISTING OF THE
ACTS OF THE LEEWARD ISLANDS,
Commencing 8th November 1690, ending 21st April 1798;
AND THE
ACTS OF ANTIGUA,
Commencing 10th April 1668, ending 7th May 1804.
With, prefixed to each Volume,
ANALYTICAL TABLES OF THE TITLES OF THE ACTS;
And, at the End of the Whole,
A COPIOUS DIGESTED INDEX.

In Two Volumes.

VOL. I.



Published, by the Authority of the LEGISLATURE of Antigua, and under the
Revision of ANTHONY BROWN, Esq. Colonial Agent in London,

BY
SAMUEL BAGSTER, STRAND, LONDON.

1805.

THE
SECOND

OF THE
ISLAND

TO
ANTIGUA



ACTS OF THE LEeward ISLANDS,
Commencing 8th November 1890, ending 31st April 1892;

AND THE
ACTS OF ANTIGUA,
Commencing 10th April 1868, ending 31st May 1891.

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And, at the End of the Work,

A COPIOUS DIGESTED INDEX.

In Two Volumes.
VOL. I.



Published by the Authority of the Legislature of Antigua, and under the
Revision of Anthony Brown, Esq. Colonial Agent in London.

BY
SAMUEL BAGSTER, STATIONER, LONDON.

Printed by W. Smith & Son,
King Street, Seven Dials.

1892.

ANTIGUA:

At a Meeting of the Legislature of the Island of Antigua on the 19th Day of June 1806, The following Resolution was unanimously entered into by the House of Assembly and adopted by the Council:

RESOLVED Unanimously, That, the Laws of Antigua being now printed and ready for distribution, This House feeling most sensibly the extent of the public obligation to the Honble. JAMES ATHILL Esqr. its late Speaker, for the distinguished ability and great labour, exerted in the collecting and preparing the body of Laws, and enabling the Legislature to produce them in their present respectable form, is desirous that this publication should not appear unaccompanied with the expression of the high sense the two Houses of Legislature have entertained of this important public service, and therefore proposes that the Letter, from the PRESIDENT and SPEAKER to the Honble. JAMES ATHILL Esqr. dated 18th June 1804, Mr. Athill's answer, and such Resolutions of the Council and Assembly as relate thereto, be printed and prefixed to each Copy of the Laws, before it is distributed or sold, and that the expence attending the same, be defrayed by the Treasurer.

Letter from the President and Speaker to the Honble. James Athill, Esqr.

Antigua June 18th 1804.

S I R,

An accurate and complete revision of the Laws which have been passed in this Island since the year 1668, with a view to expunge from the present printed collection thereof, such of them as, from the change of times and circumstances have become obsolete, and useless, and such others as, having expired, it has not been thought necessary to revive, and to form a new collection with the addition of the Laws enacted subsequent to the date of the former, has been a measure long in contemplation of the Legislature, and more than once under its consideration, but without effect.

The want of this very necessary assistant, to our Magistrates in particular, and to the Community in general, growing daily more urgent and indispensable; You Sir, with that eminent zeal, and patriotism which you have ever manifested for the good of this Country, and when filling the arduous situation of Speaker to the House of Assembly, generously offered to sacrifice your hours of ease and retirement to the public service, and undertook a task to be executed only by great personal labour and ability.

The

The Legislature, Sir, having had the high Satisfaction to receive from your hands, the result of your undertaking so beneficial to the Colony, and so honorable to yourself, in a collection of the necessary materials for forming a complete edition of the Laws in force, to the present period, cannot be unmindful of the value and importance of the work, or of the obligation you have conferred on the two Houses, by your perfect and speedy accomplishment of their wishes.

We have the honor to convey to you, Sir, by order of the Council and Assembly, their sentiments upon this occasion, in an extract from the Journals of the two Houses, and we should be deficient in justice to your merit, and our own feelings, if we neglected to express the pleasure we receive from the execution of our duty.

We have the honor to be, with great personal esteem and regard,

To
Your most obedient
humble Servants,

(Signed) EDWARD BYAM
President.

The Honourable

JAMES ATHILL Esqr.
JOHN TAYLOR
Speaker.

*Resolution of the House of Assembly, with which the
Council unanimously concurred.*

Resolved Unimously, That the Thanks of this House be given to the Honourable JAMES ATHILL, the late SPEAKER of this House for the great Care assiduity and attention shewn by him in collecting Materials for the making a complete Edition of the Laws of this Island, a work highly useful to the Community at large and which has been reserved for his Patriotic Zeal to bring to perfection.

The Honorable James Athill's Answer, to the foregoing Letter.

Antigua, June 19th, 1804.

Honorable S I R S,

To render myself, in any degree useful to this Community, to which I owe so many, and such great obligations; to exert those feeble talents, with which it hath pleased Divine Providence to endow me, in its service,
have

have ever been among the first wishes of my heart. To obtain the approbation of my fellow-subjects, to be considered by them as having not unsuccessfully endeavoured, faithfully, to discharge my duty, to the best of my abilities, has been at once the highest object of my ambition, and the greatest and only reward that I could possibly desire; but, in the most sanguine moments of hope, I never could have flattered myself with the expectation of so signal a mark of distinction, as has been conferred upon me by the unanimous votes of the two Houses of Legislature, passed on the 24th *May*, and communicated to me, in the Letter which you have done me the honor to write to me on the 18th instant.

I receive with the most lively sensibility and with the most profound gratitude the honorable and most flattering testimony of the sense which the two Houses of Legislature, over which You, Sirs, preside, entertain of my humble Efforts in the Service of my Country: which I hope, I may be permitted to say, is more owing to the liberality of sentiment, which, from many years experience, I so well know, governs all their decisions, than to any merit on my part, and I request You, Sirs, to offer to the Council and Assembly, my warmest, tho' imperfect acknowledgement of the honor they have done me, with my humble assurance, that the consciousness, that I have so little deserved this extraordinary mark of their approbation shall operate as an additional excitement to my future exertion, and that I will, whilst I live, make it my study to prove myself neither wholly unworthy of their kindness, nor in any degree unmindful of the favors I have experienced from them.

Permit me, Sirs, to offer my best thanks to You, for the very flattering terms, in which you have been pleased to communicate to me the Votes of the two Houses of Legislature, and to offer to you the sincere assurance of the high consideration and respect, as well as personal regard and esteem, with which I have the honor to be,

Honorable Sirs,
Your most obedient
and most humble Servant,
JAMES ATHILL.

(Signed)

To the Honorable EDWARD BYAM,
President of the Council, and
The Honorable JOHN TAYLOR
Speaker of the Assembly.

Printed by Order of the Council and Assembly.

have ever been in the hands of any other person. To obtain the opinion of my fellow-citizens, to be considered by them as having not unhesitatingly endorsed, and to have my duty to the State at my disposal, has been at once the highest object of my ambition, and the most and only reward that I could possibly desire; but in the midst of these considerations, I never could have dreamed myself with the expectation of so great a number of acknowledgments as have been conferred upon me by the unanimous votes of the two Houses of Legislature, passed on the 24th May, and communicated to me, in the letter which you have done me the honor to write to me on the 18th instance.

I receive with the most lively sensibility and with the most profound gratitude the honorable and most flattering testimony of the Senate which the two Houses of Legislature, over which Your Excellency presides, confer on my humble efforts in the service of my Country; which I hope I may be permitted to say, is more owing to the liberality of Government, which, from many years experience, I so well know, governs all their decisions, than to any merit on my part, and I repeat, Your Excellency, in order to the Council and Assembly, my warmest, the most respectful acknowledgments of the honor they have done me, with my humble assurance, that the confidence, that I have so little deserved this extraordinary mark of their approbation shall operate as an additional excitement to my future exertion, and that I will, whilst I live, make it my study to prove myself neither wholly unworthy of their kindness, nor in any degree ungrateful of the favors I have experienced from them.

Permit me, Sir, to offer my best thanks to You for the very flattering terms, in which you have been pleased to communicate to me the Voice of the two Houses of Legislature, and to offer to you the sincere assurance of the high consideration and respect, as well as personal regard and esteem, with which I have the honor to be,

Honorable Sir,
Your most obedient
and most humble servant,
JAMES ATHERTON.

(Signed)

To the Honorable EDWARD BLYN,
President of the Council, and
The Honorable JOHN TAYLOR,
Speaker of the Assembly.

Printed by Order of the Council and Assembly.

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Executors or Administrators of the Survivor of them, to sell
certain Lands and Tenements in *Antigua*, and the Reversion
of certain Slaves being in *Antigua*, which were belonging to
the said *Samuel Byam* at his Death, for and towards Payment
of the Debts of the said *Samuel Byam*; and also to empower
Stephen Blizard and *Francis Delap*, Esquires, both of *Antigua*, the
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Esquire, deceased, or the Survivor of them, or the Executors or
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Printed for Samuel Bagster, 81, Strand.

THE
L A W S
OF THE
LEEWARD ISLANDS.

2d WILLIAM and MARY; A. D. 1690.

An Act for appointing Commissioners, and an Agent, to negotiate and manage the Affairs of the Leeward Islands, as also for the settling a Fund for the defraying of the Expence and Charge of such Negotiation, and procuring of divers Necessaries for the Use and Benefit of the said Islands.

Dated 8th November, 1690.

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B

An

No. 1.
EXPIRED.

2d W. & M.

Nis. 2—6.

A. D. 1690.

No. 2.
EXPIRED.

An Act for supplying the Fleet with some Provisions and settling of the Methods of procuring the same, and likewise for the further rewarding and encouraging the Soldiers who served in the late Expedition in the Island of St. Christopher's, against the French.

Dated 8th November, 1690.

No. 3.
EXPIRED.

An Act for regulating the Militia and Forces of these Islands and establishing divers Rules and Articles of War.

Dated 27th March, 1691.

No. 4.
EXPIRED IN
PART, AND
THE REST OB-
SOLETE.

An Act for Explanation of Part of an Act made the Eighth Day of November last, for the rewarding and encouraging Soldiers who served in the late Expedition in the Island of St. Christopher's, and for the further Encouragement of the said Soldiers, as also for taking away Benefit of Clergy from any Persons who steal Negroes or other Slaves.

Dated 28th March, 1691.

No. 5.
EXPIRED.

An Act for the speedy getting in the Plunder and Debts due to the Army that served in the Expedition against St. Christopher's.

Dated 21st August, 1691.

No. 6.
EXPIRED.

An Act for settling General Councils and General Assemblies for the Leeward Islands.

Dated 12th August, 1692.

An

LEEWARD ISLANDS.

3

4th W. & M.

Nis. 7—10.

A. D. 1692.

An Act for continuing an Act made by the Governor in Chief, General Council, and General Assembly in Antigua, bearing Date the eighth Day of November, in the Second Year of Their Majesties' Reign, one thousand six hundred and ninety, for the appointing Commissioners and Agent to manage the Affairs of the Leeward Islands, as also for settling a Fund for defraying the Expences and Charges of such Negotiation, and procuring divers Necessaries for the Use and Benefit of the said Islands.

No. 7.
EXPIRED.

Dated 12th August, 1692.

An Act empowering certain Persons to recover, for the use of the Leeward Islands, from Major Joseph Crisp, and others, concerned in the Produce of Ninety-three Barrels of Brandy, or so much thereof as was not employed for the Public Service, according to the Trust reposed in the said Major Crisp, in that behalf.

No. 8.
EXPIRED.

Dated 13th August, 1692.

An Act for continuing an Act, intituled, An Act for the speedy getting in the Plunder and Debts due to the Army that served in the Expedition against St. Christopher's

No. 9.
EXPIRED.

Dated 13th August, 1692.

An Act prohibiting the Exportation of Provisions, Liquors, Arms, and Ammunition, from any of these Islands to St. Thomas's, or any Neuter Port.

No. 10.
EXPIRED.

Dated 31st August, 1694.

An

6th W. & M.

Nis. 11—13.

A.D. 1694.

No. 11.
 REPEALED
 10 Dec. 1701.
 [Vide No. 25.]

An Act against Jews ingrossing Commodities imported in the Leeward Islands, and trading with the Slaves belonging to the Inhabitants of the same.

Dated 31st August, 1694.

No. 12.
 CONFIRMED.

An Act ascertaining the Value of Foreign Coins in the Caribbee Leeward Islands.

Current Value
 of Coins de-
 termined.

WE Your Majesties' most loyal, dutiful, and obedient Subjects, the Governor in Chief of the *Caribbee Leeward Islands*, and the General Council, and General Assembly, pray Your Most Excellent Majesties that it may be enacted, and be it, and it is hereby enacted by the Authority aforesaid, that each *Piece of Eight of Seville, Mexico, and Pillar*, and each *French Crown*, shall be current and pass for six Shillings current Money, a *Peru Piece of Eight* at five Shillings, and all Monies whatsoever of those Coins aforesaid, shall in all Payments whatsoever be proportionably rated; (except the eighth Part of a *Peru Piece of Eight*, commonly called a Seven Pence Halfpenny, shall be current and pass for Nine Pence); any Law, Custom or Usage to the contrary notwithstanding.

Coining, falsi-
 fying, or de-
 basing Money,
 Felony with-
 out Benefit of
 Clergy.

II. And it is further enacted, that whosoever shall, for base Lucre, by any Ways or Means, coin, falsify, impair, diminish, seal, wash, clip, file, or lighten any of the Money aforesaid, or any other Money current in these Islands, shall be guilty of Felony, and shall suffer Death for the same without Benefit of Clergy; any Law, Custom, or Usage to the contrary notwithstanding.

Dated in *Antigua* the last Day of *August*, in the sixth Year of the Reign of our Sovereign Lord and Lady King WILLIAM and Queen MARY, *Anno Domini* one thousand six hundred and ninety four.

CHR. CODRINGTON.

No. 13.
 EXPIRED.

A supplemental and explanatory Act to an Act, appointing Commissioners and an Agent to negotiate and manage the Affairs of the Leeward Islands, &c.

Dated 31st August, 1694.

An

ANTIGUA.

An Act to prevent Disputes in electing Assembly Men to serve in General Assemblies. No. 14.

TO prevent and avoid all Disputes that may arise in electing Members of all General Assemblies for the future in the respective Islands, whereby the public Affairs may be retarded, to the Damage of all the Islands :

II. We Your Majesties' loyal and obedient Subjects, the Governor in Chief, and the General Council, and General Assembly of the *Caribbee Leeward Islands*, pray Your Most Sacred Majesties that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That the Governor in Chief, or Lieutenant or Deputy Governor, President or Presidents, and the major Part of the Council and Assembly for the Time being of each Island, shall order the Secretary or Deputy Secretary of each respective Island, upon Oath in their Presence, at such Time and Place as Their Majesties' Writs shall direct, to take the Freeholders' Votes of each Island, in Manner and Form as they shall direct, to their Knowledge admitting no Vote but what shall be made by a Freeholder of the respective Island in Person, and after all Votes are so taken, then and there publicly declare upon whom the Elections fall by Plurality of Votes.

Governor, &c. to order the Secretary to take the Votes of the Freeholders, on Oath, in their presence.

and admit no Vote but a Freeholder's, and publicly declare who is elected.

III. And if any Disputes happen concerning the Election of any Person, the Chief Governor, Lieutenant or Deputy Governor, President or Presidents, and the major Part of the Council and Assembly, then and there shall be Judges of, and decide, and determine all such Disputes ; any Law, Custom, or Usage to the contrary notwithstanding.

Disputes concerning Elections to be determined by the Governor, Council, and Assembly.

Dated in *Antigua* the last Day of *August*, in the sixth Year of the Reign of our Sovereign Lord and Lady King WILLIAM and Queen MARY, *Anno Domini* one thousand six hundred ninety and four.

CHR. CODRINGTON.

ANTIGUA.

ANTIGUA.

No. 15.
OBSOLETE.

Vid. No. 17.
Laws of Antigua.

An Act to make the Country Bonds given in the Secretary's Office in each Island, for the Use of the Creditors of such Persons as shall be carried off without a Ticket.

Dated 31st August, 1694.

No. 16.
OBSOLETE.

An Act for securing Payment of the Balance of the General Accounts from the Debtor Islands, to the Island of Antigua.

Dated 1st September, 1694.

No. 17.
REJECTED by
Queen Anne,
by order
under the
Privy Seal,
dated 17 May,
1703.

An Act to settle General Councils and General Assemblies for the Caribbee Leeward Islands in America, and to secure to each particular Island their own peculiar Laws, Liberties, and Privileges.

Dated 2d December, 1701.

No. 18.
OBSOLETE.

An Act to prevent any Trade or Commerce with the French, or any other foreign Plantation, by the Inhabitants of His Majesty's Caribbee Leeward Islands in America.

Dated 2d December, 1701.

No. 19.
OBSOLETE.

An Act for the better Observation of the Lord's Day, and Suppressing of prophane Cursing and Swearing.

Dated 3d December, 1701.

LEEWARD ISLANDS.

7

1st ANNE.

Nis. 20—25.

A. D. 1701.

An Act for the better and more certain Support of Ministers.

Dated 3d December, 1701.

No. 20.

OBSOLETE.
[Vide No. 33.
and, for Anti-
gua, No. 80,
Laws of Anti-
gua.]

An Act for the securing the Payment of twelve hundred Pounds for the Ends therein set down.

Dated 3d December, 1701.

No. 21.

OBSOLETE.

An Act to prevent Papists and reputed Papists from settling in any of these His Majesty's Caribbee Leeward Islands in America.

Dated 3d December, 1701.

No. 22.

OBSOLETE.

NEVIS.

An Act for the better securing and defending His Majesty's Caribbee Leeward Islands in America, in Case of a War, and to establish a Fund for the same.

Dated 5th December, 1701.

No. 23.

CONFIRMED.
17 May, 1703.
OBSOLETE.

An Act for the finding Supernumerary Arms, to be proportionable according to the Number of every Person's Negroes, within these His Majesty's Leeward Caribbee Islands in America.

Dated 6th December, 1701.

No. 24.

CONFIRMED.
17 May, 1703.
OBSOLETE.

An Act to repeal a certain Act against the Jews.

Dated 10th December, 1701.

No. 25.

CONFIRMED.
17 May, 1703.
OBSOLETE.

An

1st ANNE.

Nis. 26, 27.

A. D. 1701.

No. 26.

CONFIRMED.
17 May, 1703.
OBSOLETE.*An Act for the preventing the Abuses in all Manner of Lumber, and for the better encouraging of that Trade.*

Dated 15th December, 1701.

NEVIS.

No. 27.

*An Act for declaring a certain Act of Parliament made at Westminster in the seventh and eighth Years of the Reign of our late Sovereign Lord King William, and continued by one other Act made in the thirteenth and fourteenth Years of the said King, intituled, An Act that the Solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form, be of Force in these Islands.*RECITAL of
Act 7. & 8. W.
3. and its Con-
tinuance by
13. & 14. W.
3. directing
the Affirma-
tion of Qua-
kers to be
taken.

WHEREAS a certain Act of Parliament made at *Westminster* the seventh and eighth Years of the Reign of our Sovereign Lord King *William the Third*, of ever blessed Memory, intituled, *An Act that the Solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form*, and continued by one other Act past at a Parliament held at *Westminster* in the thirteenth and fourteenth Year of the Reign of the said King, and now in Force in the Kingdom, hath been, and is found to be a beneficial Law, and such as, if the same were extended to these Islands, would be an Encouragement to Trade, and a Means to further the Settlement of these Colonies.

II. We therefore pray Her Most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the Chief Governor of Her Majesty's *Leeward Caribbee Islands*, and the General Council, and General Assembly of the same, now met at *Nevis*, That the said Act, intituled, *An Act that the Solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form*, and every Clause, Matter, and Thing therein contained shall, from and after the tenth Day of this instant *June*, be in full Force and

To be in force
in the *Leeward*
Islands.

LEEWARD ISLANDS.

9

4th ANNE.

Nis. 27, 28.

A. D. 1705.

and Power in these Her Majesty's *Leeward Caribbee* Islands; any Law, Usage, and Custom to the contrary in any wise notwithstanding.

Dated in *Nevis* this fourth Day of *June*, one thousand seven hundred and five, and in the fourth Year of Her Majesty's Reign.

THOMAS BELLMAN, *Speaker*.

JOHN JOHNSON.

NEVIS.

An Act to settle General Councils and General Assemblies for the *Caribbee* Islands in America, and to secure to each particular Islands their own peculiar Laws and legal Customs.

No. 28.

WHEREAS there is at this time a General Council and a General Assembly, for the *Leeward Caribbee* Islands in America, met together at *Nevis*, concerning the Publick Affairs, to consult and enact such good and wholesome Laws and Ordinances, as may be for the Safety and Advantage of all Her Majesty's said Islands.

Preamble.

II. And whereas the Interest, in point of Trade and Laws, of most of the said Islands, in some Respects do differ the one from the other, therefore the better to preserve and defend the whole, and to secure to each particular Island their own Laws and legal Customs which are not of a general Concern.

Recites a difference in the Laws of the Islands.

III. We Your Majesty's most dutiful and loyal Subjects the Commander in Chief of all Your Majesty's *Leeward Caribbee* Islands in America, the General Council and General Assembly of the same now met together at *Charles Town* in the Island of *Nevis*, do pray Your Most Excellent Majesty to enact and ordain, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all the Laws and legal Customs now in Force in each and every the *Caribbee* *Leeward* Islands, and respecting only the Circumstances of the same, be and remain in their full Force and Virtue.

Each Island to retain its Laws as to local circumstances.

IV. And be it further enacted, That whensoever the Commander in Chief that now is, or that shall hereafter be, shall judge it necessary

VOL. I.

C

for

4th ANNE.

No. 28.

A. D. 1705.

General Assembly constituted, who shall make general Laws.

for Her Majesty's Service, and the Good and Welfare of the *Caribbee Leeward* Islands, to call together the General Council and General Assembly, That then all the Freeholders of each respective Island (that are qualified by Law) shall meet together at a certain Time and Place, to be nominated and appointed by Writ from the Commander in Chief for the time being, in their several respective Islands, to elect and make choice of five able and discreet Men, being Freeholders of and in each and every the said respective Islands, to be their Representatives, and to join with the said Commander in Chief and General Council, to make, enact, and ordain such General Laws and Ordinances, as may be proper and convenient for all the *Caribbee Leeward* Islands.

Members of Council, or Assembly not to be sued for Debt, within 10 Days before or after Session, but amenable for Treason, &c.

V. And be it further enacted by the Authority aforesaid, That no Member of the General Council nominated by the Commander in Chief, or Representatives of the General Assembly elected in any of the said several respective Islands for the Service aforesaid, shall be any way troubled, sued, molested, or arrested for Debt, or otherwise (Murder, Felony, Treason, or other Misdemeanour against the Crown only excepted) by any Person or Persons whatsoever within the said *Leeward Caribbee* Islands, whenever the General Council and General Assembly that shall and may be held for the future; but shall have free Liberty to come on and go off of the said Islands where such General Council and General Assembly is, and shall be held, for the space of ten Days before, and ten Days after each Session.

Each Member, &c. to be paid 20s. *per Diem*, during the Session,

and allowed Charges of going from Island to Island.

VI. And be it further enacted by the Authority aforesaid, That each and every Person so nominated as a Counsellor, and elected as a Representative to serve in this or any other General Council and General Assembly, for the future, shall be allowed and paid by the Treasurer of each respective Island they serve for, out of the Public Stock of the same, during the Continuance of each and every such Session, the Sum of twenty Shillings *per Diem*; and where the Council and Representatives go off one Island to another, they shall be transported to and from each respective Island at the Publick Charge of that Island for which they serve; and shall be paid their Allowance of twenty Shillings *per Diem* from the Day they go off, to the Day of their Return, provided their Return be not delayed by their own private Business.

Absence of the Representatives of any one Island not to exempt it from Obedience to general Acts:

VII. And be it further enacted by the Authority aforesaid, That if the Members of any one particular Island, whether Council, or appointed by the Commander in Chief, or Representatives elected by the Freeholders, shall neglect and refuse to appear, their delaying and refusing

4th ANNE.

Nis. 28—30.

A. D. 1705.

refusing to appear and join with the rest of the said General Council and General Assembly when convened and met together, shall not exempt that Island from the due Obedience and Observance of all and every the Laws and Ordinances that shall be enacted during any such Session of General Council and General Assembly, provided they do not act but when there is present a Majority of the whole Number, but that all such Laws, and Ordinances shall be good and binding to all and every the said *Leeward Caribbee* Islands, to all Intents and Purposes whatsoever.

Provided a
Majority is
present

Dated in *Nevis* this seventh Day of *June*, in the fourth Year of Her Majesty's Reign, *Anno Domini* one thousand seven hundred and five.

THOMAS BELLMAN, *Speaker*.

JOHN JOHNSON.

An Act declaring a certain Act made at *Nevis*, the fifth Day of September, one thousand six hundred eighty seven, intituled, An Act against ingrossing Provisions, shall be in Force in all the *Leeward Caribbee Islands in America*.

No. 29.
OBSOLETE.

Dated 8th June, 1705.

An Act for declaring an Act made in *Antigua*, intituled An Act for holding a Court of Chancery in this Island by the Lieutenant Governor or President in Council, in the Absence of the Commander in Chief, and for the more speedy Dispatch of Causes in the said Court, to be in Force in all the *Leeward Caribbee Islands in America*.

No. 30.
OBSOLETE.

Dated 20th June, 1705.

NEVIS.

NEVIS.

No. 31. *An Act for preventing tedious and chargeable Law Suits, and for declaring the Rights of particular Tenants.*

Preamble.

WHEREAS Law Suits and Controversies frequently arise between the Inhabitants of these Islands, principally occasioned by the different Nature and Circumstances of our Estates from those in *England*, whereby it sometimes hath happened, through the Partiality of some, and Ignorance of others, that contradictory Judgments have been given in Cases founded on the same Rules and Principles of Law and Reason; for the redressing of which Mischiefs, and establishing a constant and certain Uniformity in the Proceedings of the Courts of the several Islands under this Government, and for declaring the Rights of particular Tenants in these Islands :

The Common Law of *England* to be in force, except where altered by Laws of the Islands.

Pretended Customs to the contrary void.

Negroes, &c. used with Plantations, made Freehold.

Widow dowable out of them.

II. We Your Majesty's most dutiful and loyal Subjects the Commander in Chief of Your Majesty's *Leeward Caribbee* Islands, the General Council, and General Assembly of the said Islands, now met at *Nevis*, do humbly pray Your Majesty that it may be declared, and it is hereby declared by the Authority aforesaid, That the Common Law of *England*, as far as it stands unaltered by any written Laws of these Islands, or some of them, confirmed by Your Majesty, or some of Your Royal Predecessors in Council, or by some Act or Acts of Parliament of the Kingdom of *England*, extending to these Islands, is in Force in each of these Your Majesty's *Leeward Caribbee* Islands, and is the certain Rule whereby the Rights and Properties of Your Majesty's good Subjects inhabiting these Islands, are and ought to be determined; and that all Customs or pretended Customs, or Usages contradictory thereunto, are illegal, null, and void.

III. And be it and it is hereby declared, That all Negroes and other Slaves, Coppers, Stills, and all Cattle, Horses, Asses, commonly used and exercised upon and about any Plantation or Plantations, and all other Plantation Utensils are Inheritance, and affixed to the Freehold, and are, with the Plantation, descendible to the Heir at Law, and the Widow dowable as well of them and every of them, as of the Lands and Tenements whereof her Husband died seized; and that such Widow may and shall recover the mesne Profits of such Plantation, Negroes, Cattle, Horses, Asses, or other Hereditaments whereof she shall be so endowed, against the Party or Parties that have received or detained

4th ANNE.

No. 31.

A. D. 1705.

tained the same, in Damages, by Action upon the Case in any Court of Record in that Island, wherein the Estate, whereof Dower is so recovered, lies, or by Suit in Equity against the Party or Parties, their Executors, or Administrators, that have received or denied the same.

IV. Provided always, That the said Plantation or the Works thereon being, shall not be divided or otherwise parted than, by Allotment of the third Part of the Dwelling House with its Appurtenances, and necessary Conveniencies, to the Tenant in Dower for her Habitation, or convenient Reception, upon the said Plantation, when she shall think fit to repair thereunto; which third Part of the Dwelling House, the Provost Marshal or his lawful Deputy, upon Application to him made, shall set out to such Tenant in Dower, and shall forthwith put her in quiet and peaceable Possession of the same; and that none of the Negroes or other Slaves, Coppers, Stills, Cattle, Horses, Asses, or other Plantation Utensils whatsoever, to such Plantation belonging, shall be carried off, or employed from the said Plantation, otherwise than for the immediate Service thereof, by such Tenant in Dower, or by the Heir, or him or them in Reversion or Remainder, but that each of them shall join in carrying on the Interest for the best Advantage of all the Parties concerned.

Dwelling House only to be parted, the Plantation and Works to be enjoyed by the Heir and Widow in undivided Parts, and the Profits apportioned.

V. And be it hereby declared and enacted, That where any Person hath or shall by his last Will and Testament in Writing devise any Part of his Estate, or of the Profits thereof, amounting in Value to a third Part of his Estate, whereof she was dowable, and omitting to declare such Devise to be in Bar of her Dower, shall devise the Rest, Residue, or Remainder of his Estate to any other Person or Persons, that such Devise to his Wife shall be taken and construed to be a complete Bar of her Dower, unless such Devisee, being of full Age, shall disagree to the said Devise, and claim or demand her Dower within three Years after the Death of her Husband, or after her having arrived at the Age of one and twenty Years.

Devise to a Widow of third Part of an Estate to bar the Dower; unless the Widow accept the Dower instead of the Devise.

VI. Provided always, That this Act nor any Thing therein contained shall extend or be construed to extend to impeach or make void an Act made for Provision of younger Children of Fathers dying intestate, intituled, *An Act for making the Negroes, Coppers, Mills, and Stills of Intestates' Estates, Chattels*; which Act was made by the President and Council of Nevis, excuting the Office of Lieutenant General and Assembly of the Island of Nevis, on the twenty-fifth Day of March, in the Year of our Lord one thousand six hundred and ninety-nine, and stands confirmed by His late Majesty King William the Third in Council; but that the same, and every Clause, Matter, and Thing

This Act not to affect an Act of the Island of Nevis concerning Intestates.

4th ANNE.

Nis. 31, 32.

A. D. 1705.

Thing therein contained, shall be and remain in full Force ; and that the several Islands under this Government shall be at liberty to enact the same Law, any thing in this Act to the contrary, or seeming to the contrary in any wise notwithstanding.

In unsettled
Lands, Dower
may be set out
by a Jury.

VII. Provided also, That where any Person is intitled to Dower of any Parcel of Land unsettled, that a Warrant shall go out to the Provost Marshal of the Island wherein such Land lies, at the Prayer either of the Tenant who is so intitled to Dower, or of the Party or Parties in Reversion or Remainder, requiring him within eight Days from the Day of the Date of the said Warrant to impanel a Jury of twelve good and lawful Freeholders of such Island, wherein such Land lies, who shall, upon their Oaths, set out the third Part of the said Land to the Party so intitled to Dower, by her to be held in severalty, by Metes and Bounds, any Thing in this Act, or any other Law, or Statute contained to the contrary notwithstanding.

Dated at *Nevis* the twentieth Day of *June*, *Anno Domini* one thousand seven hundred and five, and in the fourth Year of Her Majesty's Reign, &c.

THOMAS BELLMAN, *Speaker*.

JOHN JOHNSON.

No. 32.
ENLARGED, as
far as respects
ANTIGUA, by
Act of 28 July,
1764, (No. 270)
and Act of 4th
Sep. 1799 (No.
537.)

An Act for the supplying the want of Fines and Recoveries in these Islands, and for making any Deed or Deeds, duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of any of these Islands, equivalent to a Fine and Recovery, or Fines and Recoveries, duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster.

Preamble.

WHEREAS Fines with Proclamations and Common Recoveries are become the Common Assurances of Your Majesty's Kingdom of *England*, at least such a necessary Part thereof, as without them the Inheritance of Femmes Coverts, or their Right or Title to Dower, or any other Estate of Freehold, nor Estates of Tenants in Tail, General

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neral or Special, or the Reversion and Reversions, Remainder and Remainders thereupon depending, cannot be barred.

II. And whereas such Fines cannot be duly levied in these Islands for want of proper Offices; or Common Recoveries well suffered, for want of set Days for the Return of Writs, or for the Appearance of the Parties to such Recoveries, the Courts of Law in these Islands usually holding but one Day, or two at the most; for remedying which Mischief, and to the Intent that the Want of Fines and Recoveries in these Islands may be effectually supplied, by making other Conveyances, attended with particular Circumstances herein after mentioned, equivalent thereunto:

III. We Your Majesty's most dutiful and loyal Subjects do pray Your Most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the Commander in Chief of these Your Majesty's *Leeward Caribbee Islands in America*, the General Council, and General Assembly of the said Islands now met at *Nevis*, and by the Authority of the same, That a Deed or Deeds in due Form of Law, made and executed by the Husband and Wife, of the Plantations, Lands, and Tenements, Negroes, and other Hereditaments of the Wife, or of any Plantation, Lands, and Tenements, Negroes, and other Hereditaments whereof the Husband was solely and in his own Right seized at any Time during the Coverture, or whereof the Husband, or Husband and Wife were seized in right of the Wife, or the Husband jointly with the Wife; or by Tenant in Tail, General or Special; and by the Party or Parties, and each of them, from whom the Interest passes, acknowledged before some of Her Majesty's Justices of the *Court of Common Pleas in the Kingdom of England or Ireland*, or of any of Your Majesty's *Leeward Caribbee Islands*, wherein such Plantation, Lands, Tenements, Negroes, and other Hereditaments do lie; shall to all Intents and Purposes be as effectual and valid in the Law, to pass all the Estate, Right, Title, Interest, and Claim of the Party or Parties, and of each of them; to such Deed or Deeds, in or to all or any the Plantation or Plantations, Lands, Tenements, Negroes, or other Hereditaments, by such Deed or Deeds granted, conveyed, or made over, or thereby intended to be granted, conveyed, or made over to the Person or Persons, Bargainee or Bargainees, Grantee or Grantees, in the said Deed or Deeds mentioned, their Heirs and Assigns for ever, to whom or to whose Use any Estate in such Plantation or Plantations, Lands, Tenements, Negroes, or other Hereditaments is by the said Deed or Deeds limited, bargained, sold, granted, or conveyed, according to the several Limitations in the said

Deed

Deeds acknowledged by the Parties from whom the Interest passes, before the Justice of the Common Pleas in England, &c. shall bar Femes Covert and Tenants in Tail, as fully as any Fine and Recovery.

By Act of ANTIGUA dated 4th September, 1799 (No. 537) this is extended, as far as respects ANTIGUA, to acknowledgment before any Justice of the King's Bench or Baron of the Exchequer in England or Ireland.

By Act of 28th July, 1764 (No. 270) s. 2. 3. extended, for ANTIGUA, in a

a local View, universally; so as the Acknowledgment be before any Lord of the Session or Sheriff, in SCOTLAND, and, in other Places, before the Chief Civil, Military, or Judicial Officer prescribed; and so as the Deed be registered in ANTIGUA within two Years.

Every Wife party to such Deed, to be of Age, and examined apart whether she executes the same freely.

Such Examination to be indorsed on the Back of the Deeds, and subscribed by the Judge,

and inrolled at length, within six Months, in the Secretary's Office, if in one of the Islands.

By Act above referred to (No. 270,) s. 2. 4. every Deed conveying Hereditaments in Antigua, executed out of Antigua, must, without exception, be recorded at length

Deed or Deeds contained, as if the Party or Parties to the said Deed or Deeds, from whom the Interest moves, had levied a Fine or Fines with Proclamations, or suffered a Common Recovery or Recoveries of such Plantation or Plantations, Lands, Tenements, Negroes, and other Hereditaments in any of Their Majesties' Courts of Record at *Westminster*, and duly executed Deeds leading the Uses of such Fine or Fines, or declaring the Uses of such Recovery or Recoveries to be to such Bargainee or Bargainees, Grantee or Grantees, their Heirs and Assigns for ever, to whom or to whose Use such Plantation or Plantations, Lands, Tenements, Negroes, and other Hereditaments are, by the Deed or Deeds so to be executed and acknowledged, as is above mentioned, limited, and conveyed, or that the same and every Part thereof had been bargained, sold, conveyed, or set over by any the firmest Deed or Deeds, Conveyance or Conveyances, Assurance or Assurances of the Law, that could be advised or devised by Council learned in the Law.

IV. Provided always, That the Wife, who is Party to any such Deed or Deeds, be of full Age at the Time of the Execution thereof, and be privately and apart examined by the Judge, before whom such Deed or Deeds is acknowledged, whether she do execute the same freely, voluntarily, and without Fear, Threats, or Compulsion, of or by her Husband used; which Examination of the Wife shall be indorsed, together with the Acknowledgment of the Party or Parties, from whom the Interest by the said Deed or Deeds pass: And such Acknowledgments shall be subscribed by the Judge before whom the Acknowledgment of such Deed or Deeds is taken, and by and before whom such Wife is privately examined.

V. And be it further enacted by the Authority aforesaid, That all and every Deed or Deeds so executed and acknowledged, as aforesaid, shall be inrolled at length in the Secretary's or Register's Office of that Island, wherein the Estate so granted or conveyed lies (if the said Deed or Deeds be executed and acknowledged in any of these Your Majesty's *Leeward Caribbee* Islands) within six Calendar Months after the Acknowledgment of such Deed or Deeds; *and in case the said Deed or Deeds shall be executed and acknowledged within either of Your Majesty's Kingdoms of England or Ireland, that the same shall be inrolled at length in the High Court of Chancery of that Kingdom, wherein the same was executed and acknowledged, within six Calendar Months after the Acknowledgment thereof;* and that the Acknowledgment of such Deed or Deeds so subscribed by the Judge before whom the same was taken (as before is directed) shall be a sufficient Proof of the due Execution

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cution of the said Deed or Deeds; and the Record, or an Exemplification, or attested Copy of such Deed or Deeds shall be admitted and allowed to be given in Evidence upon any Trial at Law, or Hearing in Equity, where the Original Deed or Deeds is or are mislaid, and cannot be procured; any Law, Statute, or Usage to the contrary in any ways notwithstanding.

length in the Register's Office of ANTIGUA within two Years.

The Record, to be admitted as Evidence, if the Original is mislaid.

Dated in Nevis, the twenty-first Day of June, Anno Domini one thousand seven hundred and five, and in the fourth Year of Her Majesty's Reign.

THOMAS BELLMAN, *Speaker.*

JOHN JOHNSON.

NEVIS.

An Act to secure the Payment of the Minister's Dues.

No. 33.

WHEREAS notwithstanding the many good and pious Laws which have been enacted, and still continue in force on the several Islands of this Government, for providing a convenient and certain Maintenance for the Clergy, it nevertheless so happens, that by the Avarice of some, and the Negligence of others, that Ministers of the Gospel, are in some Points, miserably disappointed of their legal Dues, and of a reasonable Support, in Contempt of Authority, in Breach of Public Faith, and to the great Scandal and Reproach of the Colonies:

II. Be it therefore, and it is hereby enacted by the Commander in Chief of Her Majesty's Leeward Caribbee Islands in America, and the General Council, and General Assembly of the same, That every Clerk now presented, or who hereafter shall be presented by the Chief Governor for the time being to any Benefice within any of these Your Majesty's Islands, St. Christopher's, Nevis, Antigua, and Montserrat, shall be intitled to, and receive an Annual Stipend of sixteen thousand Pounds of good Merchantable Muscovado Sugar, and so in proportion to the Time he or they shall serve in their respective Cures; which said Stipend shall be raised, collected, and paid by such Methods as are already, or shall hereafter be established by the Vestry Acts of each particular Island; but that if under any Colour or Pretext, or by any

Beneficed Clergymen to receive 16,000 Pounds Weight of Sugar per Annum, and so proportionably.

See for ANTIGUA, Act of 1st July, 1692 (No. 80) s. 16.

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When more
than one
Year's Sti-
pend is due,
payment to be
compelled by
a Commission.

Neglect or Deficiency whatsoever, the Incumbent of any Parish within this Government of the *Leeward* Islands, have now, or hereafter shall have more than one Year's Stipend due to him from his Parishioners, it shall and may be lawful for the Commander in Chief of these Islands for the time being, upon Application made to him, to commissionate under his Hand and Seal seven Persons (being Principal Freeholders of the Island) of which four to be a *Quorum*; who shall, by virtue of such Commission, be fully authorised and impowered to act and do every Thing that a Vestry chosen by the Parishioners might or could have done, and to compel the Payments of all or any Arrears due from any Person or Persons whatsoever, whereby the Complainant's Accounts may be adjusted, and all that shall appear to be justly due to him from his Parish paid; which when done the Commission to be void, and the Overplus (if any levied) returned to the Churchwardens of the Parishes; and that the Accounts may be more fairly stated and adjusted, the Commissioners are hereby authorized and impowered to demand a Sight of the Parish Books, to send for Persons and Papers, and to administer Oaths to all Parties concerned.

Commission-
ers empower-
ed to inspect
Parish Books,
&c.

III. And be it further enacted by the Authority aforesaid, That every Commissioner appointed by Virtue of this Act, shall take the following Oath:

Commission-
er's Oath.

I A. B. do swear, *That I will faithfully and conscientiously discharge the Trust reposed in Me by the Commission, under which I am now about to act, according to the true Intent and Meaning thereof.*

SO HELP ME GOD.

Commission-
ers to fulfil the
ends of the
Commission
in 28 Days.

Marshal to at-
tend Commis-
sioners, &c.

Marshal to re-
ceive reason-
able Fees, &c.

IV. And be it further enacted, That the Commissioners appointed or to be appointed by Virtue of this Act, are hereby obliged fully to execute the said Commission, so that the Complainant may receive full Payment and Satisfaction of his just Dues and Demands, within twenty-eight Days at furthest after due Notice given of the said Commission; and that the same may be effectually executed, the Provost Marshal or his lawful Deputy is hereby required to attend the said Commissioners; and is further impowered and authorized to execute such Orders and Precepts as shall be directed to him under the Hands and Seals of the said Commissioners, or any four of them, by virtue of and in Execution of their Commission; and for his Trouble and Pains shall receive such reasonable Fees as the Commissioners shall appoint, to be paid out of the Levy raised out of the Parish complained of by Virtue of this Act.

V. And

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V. And be it provided, That if the Marshal shall refuse or neglect effectually to execute such Precepts as shall be directed to him in pursuance of this Act, he shall forfeit two hundred Pounds current Money of these Islands, suffer two Months Imprisonment, and be rendered incapable of his Employ for ever; of which Forfeiture or Forfeitures one Moiety shall be to the Informer, and the other to the Use of the Poor of the Parish complained of. And for the more effectual Encouragement of Virtue, and Suppression of Immorality and Vice amongst the Clergy in these Islands :

Marshal on Neglect of Duty to forfeit 200l. &c.

Forfeitures to be applied, half to Informer, half to the Poor.

VI. Be it enacted and ordained by the Authority aforesaid, That if any beneficed Clergyman in these Islands shall, by the Oaths of two or more lawful or credible Witnesses, be convict before the Commander in Chief, or Lieutenant Governor, or President of the Island, where such Clergyman has his Cure, of any habitual Immorality or Irreligion, and scandalous Practices, that it shall and may be lawful for the said Commander in Chief for the time being, Lieutenant Governor or President, by or with the Advice and Consent of the Council, before whom the Party accused is so convict, to suspend the Party so convict from his Benefice ; the Profits thereof to be applied to the Public Uses of the Parish, whereof the Person so suspended was Incumbent ; and the said Commander in Chief shall give notice of said Suspension with the Reasons thereof to the Lord Bishop of *London* for the time being, by the first convenient Opportunity that offers for its so being done, that his Lordship may give such Directions therein as to him shall seem meet.

Clergymen may be suspended for Immorality or Irreligion ;

and Profits of Benefice during Suspension applied to Parish Uses.

Notice to be sent to the Bishop of *London*.

Dated this twenty-second Day of *June* one thousand seven hundred and five, and in the fourth Year of Her Majesty's Reign.

THOMAS BELLMAN, *Speaker*.

JOHN JOHNSON.

An Act for obliging Joseph Crisp of the Island of St. Christopher's, Esq ; to account for and satisfy the Islands of Nevis, Antigua, and Montserrat, for sundry Goods of the said Islands intrusted with him some Years past.

No. 34.

EXPIRED, BEING COMPLIED WITH.

Dated 22d *June*, 1705.

An

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Nis. 35, 36.

A. D. 1705.

No. 35.
OBSOLETE.

An Act for establishing Courts, and settling due Methods for the Administration of Justice throughout all Her Majesty's Leeward Caribbee Islands in America.

Dated 22d June, 1705.

SAINT CHRISTOPHER.

No. 36.
CONFIRMED,
March 6, 1799.

For Laws in Antigua on the GOVERNMENT AND TREATMENT OF SLAVES, see, in connection with this, Acts of Antigua of 28th June, 1702, (No. 130) 9th December, 1723, (No. 176) 25th Nov. 1757 (No. 212); 28th December, 1797, (No. 522), and 28th Feb. 1798, (No. 527).

An Act more effectually to provide for the Support, and to extend certain Regulations for the Protection of Slaves, to promote and encourage their Increase, and generally to meliorate their Condition.

YOUR Majesty's loyal and obedient Subjects the Commander in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the General Council and General Assembly of the said Islands, duly convened and assembled at the Town of *Basseterre* in the Island of *Saint Christopher*, having taken into their most serious Consideration, the Resolution of the Honorable the House of Commons of *Great Britain*, of the sixth Day of April, in the thirty-seventh Year of Your Majesty's Reign, recommended to their Attention by Your Majesty's said Commander in Chief of Your *Leeward Caribbee Islands*, in obedience to Your Majesty's Order communicated by his Grace the Duke of Portland, one of Your Majesty's Principal Secretaries of State; and having maturely deliberated upon the Measures which appear to them best calculated to obviate the Causes which hitherto may have impeded the natural Increase of Negroes already in these Islands gradually; as they hope to diminish the Necessity of the Slave Trade, and ultimately to lead to its final Termination; and desiring to grant unto the Slaves in these Your Majesty's *Leeward Caribbee Islands*, every Indulgence and Encouragement which may tend to their moral and religious Improvement, and to secure to them the certain, immediate and active Protection of the Law, as far as the same can possibly be extended to them, consistently with that good Order, Discipline and Obedience which it is absolutely necessary to preserve and maintain in all Places where, from inevitable local Circumstances, Slavery must, with some Restrictions be tolerated; and

desiring

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desiring also to prevent as much as possible, any Instances of Cruelty or Oppression, and to compel all Persons to treat their Slaves with that Humanity which is generally prevalent in these Islands; Do humbly pray Your Most Excellent Majesty that it may be enacted and ordained:

I. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That every Owner or Director of any Slave or Slaves within the *Leeward* Islands, shall, weekly and every Week, under the Penalty of ten Shillings per Head for each and every Slave under his or her Direction for every Omission, purchase or provide at the Rate of the following Quantities of Provision, that is to say, for every Slave at the Rate of nine Pints of Corn or Beans, or eight Pints of Pease or Wheat or Rye Flour or Indian Corn Meal, or nine Pints of Oatmeal, or seven Pints of Rice, or eight Pints of Cassava Flour or Farine, or eight Pounds of Biscuit, or twenty Pounds of Yams or Potatoes, or sixteen Pounds of Eddoes, Tantias, or Tyres, or thirty Pounds of Plantains or Bananas, and also one Pound and one Quarter of Herrings, Shads, Mackarel, or other salted Provisions, or double the Quantity of fresh Fish or other fresh Provisions, all which said Provisions to be of good and wholesome Quality: Provided nevertheless, that every such Owner or Director shall have the absolute and uncontrollable Right of distributing and dividing all and every such Quantities of Provision so to be divided as aforesaid, unto and among all and every his Slave or Slaves, in such Proportions, Shares and Allowances as he shall think proper, according to the different Labour, Size, Age, and Strength or otherwise, of all and every such Slave and Slaves, and as the same shall appear to him in his Discretion eligible or right; but notwithstanding such discretionary Power, such Owner or Director shall actually distribute, weekly and every Week, among all his Slaves, the whole Quantity of Provisions herein before directed to be purchased or provided, under the Penalty aforesaid for every Omission: Provided also, that every aged, infirm, or sickly Slave, and every Slave afflicted with any loathsome or contagious Disorder, or every Slave being incapable of Labour, shall receive, weekly and every Week, at least one full Rate or Ratio of Allowance aforesaid, notwithstanding the general and discretionary Power of dividing the same herein before permitted to the Owner, and notwithstanding any other Power which he may have. And if any Owner or Director of any Slave or Slaves within the *Leeward* Islands, shall omit or neglect, under any Pretext whatever, especially under Pretext of Absence from the said Plantation, or that the said Slave is wandering about the Towns or other Parts of the

Masters of Slaves to furnish the prescribed weekly Ration of good Provisions under the Penalty of ten Shillings per Head.

Masters may distribute at Discretion, but must expend the whole Quantity.

And must allow Slaves aged, infirm, or sickly, a full Ratio.

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the Island, or that he cannot be found, to distribute and share weekly and every Week, to any of his aged, infirm or sickly Slaves, or to any of his Slaves afflicted with any loathsome or contagious Disorder, or incapable of Labour, such full Rate or Ratio of Provisions as aforesaid, he shall forfeit for every such Neglect or Omission, the Sum of twenty Shillings, unless such Slave shall be provided for in the Hospital or sick House.

Allowance
may be dimi-
nished one
fifth in Crop
Time.

Particular Re-
gulations for
the Virgin
Islands.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for every Owner or Director of any Slaves employed on any Plantation in the *Leeward* Islands, to reduce and diminish, when he shall be actually making Sugar or cutting Canes on such Plantation for the whole Week in which he makes such Reduction, the Quantity of Provisions herein before directed to be distributed among his Slaves, in the Proportion which one fifth Part of the said Provisions bears to the whole thereof, but on no Account in a larger Proportion. Provided nevertheless, that in as much as it is necessary for ensuring the Subsistence which is the principal Object of this Act, that in some of the *Leeward Caribbee* Islands the Provisions given to the Slaves in Crop Time should be increased, and may without derogating from such Subsistence be out of Crop diminished; That no Owner or Director of any Slave within the *Virgin* Islands shall be permitted to make the aforesaid Reduction in any Week in which he shall be, or have been actually employed in the manufacturing Sugar or grinding Canes; but every Owner or Director of every Slave worked on any Plantation within the said *Virgin* Islands, shall be permitted, out of Crop, to make a Reduction of one fifth Part of the dry Provisions herein before directed to be given to his or her Slaves, whenever he or she shall give and allow to each and every of his or her Slaves as much Land and Time as shall with his or her Labour on such Land for such Time, be likely to produce the Value of such dry Provisions. And provided also, that if the Value of such dry Provisions shall not be produced by such Land, every such Owner or Director shall make good to every Slave whose Land shall be less productive, the Difference between its Produce and the Value of the dry Provisions to which such Slave under this Act would otherwise be intitled.

Money not to
be substituted
for Provisions
but in case of
Necessity.

III. And be it further enacted by the Authority aforesaid, That Money shall on no Account be given to Slaves in lieu of the Provisions herein before directed to be purchased or distributed, unless in case of absolute and unequivocal Necessity; and that if any Owner or Director

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Director of any Slave or Slaves within the *Leeward* Islands shall offend against this Clause, he shall forfeit the Sum of fifty Pounds.

IV. And be it further enacted by the Authority aforesaid, That whenever and as often as any Owner or Director of any Slave or Slaves within the *Leeward* Islands, shall commute or exchange for Money the Provisions herein before directed to be purchased or provided for such Slaves, or any Part of the same, he shall give and pay to and among his Slaves at the Rate of four Shillings per Week, for each and every Slave with whom he shall make such Commutation, and also give and allow two half Days in each Week to such Slave, to resort to the best Market for laying out to the best Advantage such Commutation-Money. Provided nevertheless, that it shall and may be lawful for every Owner and Director to divide, distribute and share such Commutation-Money among all and every of his Slaves with whom he makes such Commutation and Exchange, in the same Manner and with the same discretionary Power as is herein before vested in him, with respect to the Provisions he is herein before directed to purchase, procure and distribute.

In such case, each Slave to have 4s. weekly and two half Days to market.

Proviso of discretionary Distribution as in Clause I.

V. And whereas from the Situation and local Circumstances of many Estates in the *Leeward* Islands, the Owners or Directors of such Estates are enabled to allot Portions of Land to their Slaves more than sufficient for their Support and Maintenance, and from which such Slaves grow rich, and it would therefore not only be unnecessary, but even unjust and ruinous to such Planters to compel them to give the same Allowance with others who have not the Benefit of such Provision-Grounds: Be it therefore enacted by the Authority aforesaid, That whenever the Quantity of Provision-Land, under Cultivation with the Owner's Time, upon any Estate in the *Leeward* Islands, shall be in the Proportion of one Acre of Land for every ten Slaves worked and employed upon such Estate, and the Produce of such Land shall be in Proportion to one half of the Quantity of Provisions, or in any larger Proportion, by this Act directed to be purchased or procured for all the Slaves so worked or employed, That then it shall and may be lawful for the Owner or Director of such Plantation to diminish by one half or in any other Proportion, the Quantity of dry Provisions, according to the Quantity of Provisions produced from such Land, directed by this Act to be purchased or procured for and distributed among such Slaves, provided the whole Produce of the Land so under Cultivation, or the Proportion hereby prescribed, is appropriated to the Use of the Slaves so employed, and provided also that the Owner or Director distributes or causes to be distributed among

Where Slaves have Allotments of Land, and Time to work them, Allowance may be reduced.

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among them their full Allowance or Rates of salt or fresh Provisions aforesaid. And provided further, that such Owner or Director shall attend the Council Board in the Island where such Plantation shall be situate, once in every twelve Months, and then and there take the following Oath, viz.

Oath to be
taken in such
Case.

I do swear that there are now *Slaves upon or belonging to the Plantation under my Direction in the Parish or Division of* and that there is, under the Cultivation of Provisions upon the said Plantation, at least in the Proportion of one Acre of Land for every ten Slaves thereon, and that the Produce of the said Land has been for twelve Months last past, or for so much of the said twelve Months last past, as I have been Owner or Director thereof, together with the Quantity of Provisions appropriated or distributed among the said Slaves, fully adequate to the Ratio of Provisions directed by this Act to be purchased or procured, distributed and shared among them and every other Slave for the Time aforesaid; and that the said Produce has been appropriated, and the said Provisions have been shared and distributed agreeable to the Directions of this Act, to the best of my Knowledge and Belief.

SO HELP ME GOD.

Slaves to have
Ground to
work at, their
own Time, ex-
clusive of Al-
lowance; or
annual Com-
pensation.

VI. And be it further enacted by the Authority aforesaid, That every Owner or Director of any Plantation within the *Leeward Islands*, shall allot and give to every Slave of which he is Owner or Director, and who is capable of working the same, a Piece or Spot of good well-laying Land of forty Feet square at least, immediately round or close to his House, if the same can be done without pulling down or injuring any other Negro House, and if it cannot be so done, then every such Owner or Director shall allot and give to each and every such Slave the same Quantity of Land in some Part of the said Plantation on which such Negro resides, and commodious for his working the same, under the Penalty of five Pounds for every Offence against this Clause: Provided there is so much Land as is hereby required to be allotted as aforesaid on the Plantation of which he is such Owner or Director, not usually planted in Canes; and if there is not, he shall give and allow to every such Slave as aforesaid, in lieu of the same, an annual Compensation which shall be equal to the annual Value of the Land usually allotted as aforesaid, under the like Penalty of five Pounds for every Instance in which he shall omit or neglect to make such Compensation.

Cloaths to be
furnished to
each Slave.

VII. And be it further enacted by the Authority aforesaid, That every Owner or Director of any Slave within the *Leeward Islands*, shall

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shall twice in every Year, that is to say, on the first Day of *January* and the first Day of *August*, provide for and give, to each and every of his Male Slaves, one Jacket made of good sound Woollen Cloth, and one Pair of Trowsers made of good sound Osenbrigs; and, to each and every of his Female Slaves, one Wrapper of such Woollen Cloth, and one Petticoat of such Osenbrigs: Provided always, that in Case any such Owner or Director shall think proper to furnish such Slave with a good and sufficient Blanket, and a Hat or Cap; with the Consent of such Slave, the same shall be in Lieu of one Suit of such Cloaths as aforesaid.

VIII. And be it further enacted by the Authority aforesaid, That once in every twelve Months, each and every Owner or Director of Slaves shall, under the Penalty of one hundred Pounds, appear before the Court of King's Bench or Common Pleas of the Island where such Owner or Director shall reside, and shall then and there take the following Oath, viz.

Masters to swear to the distribution of Ration.

I A. B. do swear upon the holy Evangelists of Almighty God, that I have truly and fairly distributed, or caused to be distributed or appropriated for the last twelve Months past [or for so long as the said Owner or Director has had the Direction of such Slaves] between and among the Slaves under my Direction, the full Ratio of Provisions and Cloathing as directed by an Act, intituled, An Act more effectually to provide for the Support, and to extend certain Regulations for the Protection of Slaves, to promote and encourage their Increase, and generally to meliorate their Condition, to the best of my Knowledge, Judgment and Belief, and without any Fraud, or Intent to evade the said Act.

Oath.

SO HELP ME GOD.

IX. And be it further enacted by the Authority aforesaid, That every Owner or Director of any Slave or Slaves within the *Leeward* Islands, shall give and allow to every such Slave who shall be employed in any *Field Work* on any *Plantation*, or in the carrying, digging, removing, or making up *Manure*, or in the picking *Grass*, or in any *Plantation Labour*, in the Performance of which *Breakfast* and *Noon Time* is now usually allowed, at least one complete half Hour for every such Slave to eat his *Breakfast*, and at that Time to rest and refresh himself; but no Slave shall at such Time be permitted to quit the *Field* or *Place* in which he is at *Work*, without the particular Leave of such Owner or Director, or of the Overseer or Driver acting under him; and every such Owner or Director shall also give and allow to every such Slave two full and complete Hours at *Noon* or *Dinner*

Masters to allow Slaves employed in Field or Plantation Work half an Hour for Breakfast, and two Hours for Dinner.

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Time, to rest and refresh himself, or to procure, dress and eat his Dinner, during which two Hours no such Slave shall be employed in any Work, Labour, Business or Manner whatever; and any Person offending against this Clause, shall for every such Offence, forfeit a Sum not less than twenty Shillings, nor more than five Pounds.

Slaves not to be worked before 5 A. M. nor after 7 P. M.

Exception.

Where the Owners of Infirm Slaves cannot be discovered, Vestry, or other Authority may support them at the Public Expence.

X. And be it further enacted by the Authority aforesaid, That no Owner or Director of Slaves belonging to any Plantation within the *Leeward* Islands, shall call or turn out to his Work any such Slave before the Hour of five in the Morning, nor shall any such Owner or Director continue any such Slave at Work after the Hour of seven o'Clock in the Evening; except in Crop Time, or from some evident Necessity, under the Penalty of five Pounds.

XI. And be it enacted by the Authority aforesaid, That whereas many Slaves who have no Owners or Directors who can be discovered and compelled to provide for them, become incapable from contagious Disorders, old Age, Sickness or other Infirmities, of labouring to procure a Subsistence for themselves, that in all such Cases it shall and may be lawful for the Vestry of any Parish within the *Leeward* Islands, or the President of the Council, or Speaker of the Assembly, or any Justice of the Peace where there is no Vestry, to provide in a suitable Manner for the Support and Maintenance of such Slave or Slaves, and to prefer the Accounts for the same against the Public of the Island in which such Slave shall be found or discovered, and the said Public is hereby charged with and made liable for the Payment of such Accounts out of its Treasury, or such other Funds as it may choose to apply in Payment of the same.

Proprietor manumitting a disabled Slave, to lodge 300*l.* with the Treasurer for the Slave's Maintenance.

XII. Whereas to avoid the Inconveniencies that do sometimes arise from Persons manumitting and setting free their Slaves when they are rendered incapable of Service by Age, Infirmary, Accident, or Calamity, to avoid the Expence of providing a proper Subsistence for such Slave: Be it, and it is hereby further enacted, That if any Proprietor of a Slave shall manumit or set free any Slave in his or her Possession, who shall be rendered incapable of Service from any of the Causes aforesaid, that such Proprietor shall be obliged to pay into the Hands of the Treasurer of the Island where such Slave shall be manumitted and set free, the sum of three hundred Pounds Currency, from which Sum such Slave shall be intitled to draw, half yearly, an Interest arising upon such Sum according to the Rate of Interest in each respective Island, for his or her Subsistence during the Life of such Slave; and that upon the Death of such Slave so manumitted and set free,

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free, the said Sum of three hundred Pounds Currency shall be appropriated to the Use of the Public.

XIII. And be it further enacted by the Authority aforesaid, That every Owner or Director of any Slave or Slaves within the *Leeward* Islands, shall keep and produce, whenever legally required, a full, true, plain and weekly Account of all the Provisions purchased for or distributed or shared out among all or any of his Slaves, and also of all Commutation-Money paid in Lieu of the same; and also a full, true, and weekly Account of the Number of his Slaves, under the Penalty of five Pounds for each and every Week in which he shall neglect or omit to keep such Account: and also an Account of all Cloathing given to his Slaves, with the Times of his giving the same, and the Number of Slaves of which he is the Owner or Director at such Times, under the Penalty of twenty-five Pounds: and if he shall refuse to produce such Account or Accounts whenever he shall be thereto legally required, he shall forfeit the Sum of twenty-five Pounds.

Owners, &c.
to keep Accounts of Provisions, &c.
distributed to Slaves, and to produce the same when legally required.

XIV. And be it further enacted, by the Authority aforesaid, That if any White or free Coloured-Person, who is not the Owner or Director of any Slave ill treated as herein after mentioned, shall beat or ill treat any Slave, or shall take away or cause to be taken away from any Slave, any Article or Thing whatsoever, for which such Slave shall produce a Ticket or Note from his or her Owner or Director, authorizing him or her to sell or possess such Article or Thing, or shall take away or cause to be taken away from any Slave any Stock, Vegetables, Provisions, Grass, Tops, Voura, or any Article or Thing which such Slave shall be authorized by any present or future existing Laws, Usages, or Customs of the Island wherein he resides, to sell, or possess, or shall after purchasing from any such Slave, any of the Articles or Things aforesaid, refuse or omit to pay him or her the Price agreed upon for the same, or shall knock off from the Head of, or pull away from any Slave into the Dirt or Street, or trample on the Ground, or scatter about on it, any such Articles or Things whatever aforesaid, or cause the same to be done in any of such Cases, on Complaint made by the Owner or Director of the said Slaves, though it may be without Oath, to any Justice of the Peace in or near the Parish where the Offence is committed, such Justice shall, and is hereby authorized and directed, by an Order in Writing under his Hand, stating the Complaint made by such Owner or Director, to command such Person or Persons against whom such Complaint was made, to appear at a Time and Place to be specified in such Order before him, and any other Justice who may be then and there present, that such Complaint

Persons, not Owners, maltreating Slaves to be fined, not exceeding 10%.

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In default of
Distress, to be
imprisoned,
&c.

Owner or Di-
rector mal-
treating a
Slave to be
fined or impri-
soned, at the
Discretion of
the Judge, and
liable to have
the Slave sold.

Complaint may be examined into; and such Justices are hereby authorized to take the Examination of such Person complained-of, upon his or her own Oath, with respect to the said Complaint, who shall be compelled to answer on Oath such Questions as the said Justices may put to him or her, and if such Person shall not fully answer such Questions, or having been duly summoned shall refuse to appear as aforesaid, he or she shall be considered as convicted of the said Complaint; or if such Person having fully answered such Questions shall not fully exculpate him or herself, or shall be otherwise convicted before the said Justices, he or she shall be fined by the said Justices in any Sum not exceeding ten Pounds Current Money, to be recovered by Warrant under the Hands and Seals of the said Justices, directed to any Constable, commanding him forthwith to levy on the Goods and Chattels of such Offender sufficient to pay such Fine, with all Costs and Charges attending all the Proceedings aforesaid, and for want of such Goods and Chattels, to commit such Offender to the common Jail for any Time not exceeding one Month, and such Constable shall execute such Warrant under the Penalty of twenty Pounds Current Money aforesaid, and the said Justices shall and may, if they think proper, dispose of the Fine to the Slave so ill treated, as a Compensation for the Injuries he or she may have sustained.

XV. And be it further enacted by the Authority aforesaid, That in order to remove any Doubt which may arise as to the Legality or Propriety of punishing the Owner or Director of any Slave for any cruel Conduct towards such Slave, it is hereby expressly declared and enacted, that if any Person shall CRUELLY whip, maltreat, beat, or imprison or keep in Confinement, without sufficient Support, any Slave under his or her Direction or Care, such Person shall be indicted for the same in the superior Court of Criminal Jurisdiction for the Island wherein such Offence shall be committed, and upon being legally convicted thereof, shall suffer such Punishment, by Fine or Imprisonment, or both, as the Judges or Justices of said Court shall think proper to inflict; and the said Judges or Justices are hereby authorized, if they shall deem it necessary for the further Protection of the said Slave, to order the Marshal or his Deputy to sell and dispose of such Slave to any Person (except the Owner) at public Outcry, and at the best Price that can be procured for such Slave, and the Monies arising from such Sale, after Payment of the Fees, shall be paid to the Person having the first Lien thereon, and in case of no such prior Lien, then to the Owner of the said Slave.

XVI.

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XVI. And be it further enacted by the Authority aforesaid, That if any Person shall beat or maltreat any Slave not belonging to himself or herself, such Offender shall not only be indicted and punished for the same in like manner, but any Punishment inflicted by the Court of Criminal Jurisdiction for such Offence, shall not be considered as a Bar to any Action or Suit at Law which may be commenced by the Owner of such Slave, or be considered in Mitigation of any Damages which may otherwise be given or recovered for such Trespass or Injury.

Criminal Punishment for maltreating Other's Slaves, no Protection against an Action for Damages.

XVII. And be it further enacted by the Authority aforesaid, That in case any Justice of the Peace shall receive any Complaint or Intelligence which he in his own Discretion shall think probable, that any Slave hath been mutilated, cruelly punished, or otherwise maltreated, or confined without sufficient Support, it shall be lawful for such Justice of the Peace to call to his Assistance some other Justice, and then such two Justices shall be and are hereby authorized to order any Constable to bring such Slave before them, or if the Case shall require it, they are hereby authorized to go to such Place where such Slave shall be, and direct such Slave to be produced and shewn to them, that such Enquiry and other Proceedings may be made and had as shall be necessary for the further Prosecution of the Offence; and that if such Justices shall think it proper or necessary, they shall be, and they are hereby authorized to send such Slave to some public Place of Security, or to the Work-House, if any is provided in the Island where such Slave shall live, to be there kept and detained and supported at the Expence of the Owner or Director of such Slave, until further Enquiry shall be made into the Fact according to Law.

Justices empowered to inquire into the Fact of Maltreatment on probable Intelligence; and remove Slave, to be supported at the Expence of Owner, during Inquiry.

XVIII. And be it further enacted by the Authority aforesaid, That if any Owner or Director of any Slave within the *Leeward* Islands, shall fix round the Neck of any Slave any Iron Collar with projecting Bars, Hooks, or any Collar with a Chain or Weight thereto, or shall put or fix upon any Slave any Chain, or any Piece or Ring of Iron, whether round the Leg or any other Part of the Body of such Slave, other than such as are absolutely necessary for securing the Person of such Slave, it shall and may be lawful for any Justice of the Peace, on Information or View of the same, to order such Collar, Chain, Weight, Hooks, Bars, and Rings, other than such as are necessary as aforesaid, to be taken off such Slave at the Expence of such Owner; and it shall also be lawful for such Justice to issue his Warrant to bring such Owner before him, and if he is of Opinion that such Owner or Director has acted wantonly and cruelly, in the putting on or fixing as aforesaid, any such Collar, Chain, Weight, Hooks, Bars, or Rings,

Iron Collars, and other unnecessary Severities to Slaves prohibited; under Penalty not exceeding 100/.

Rings, or that he was not influenced solely by the Motive of preventing the future Desertion of such Slave, such Justice shall and may bind over such Owner or Director to appear at the next Court of King's Bench to be held for the Island where such Offence shall be committed, then and there to answer for the same, and upon Conviction thereof, to be fined at the Discretion of such Court, in any Sum not exceeding one hundred Pounds Current Money.

Owners to furnish Slaves with medical Assistance, under Penalty of 50/.

XIX. And be it further enacted by the Authority aforesaid, That any Owner or Director of any Slave within the *Leeward* Islands, who may from Sickness or any other Cause stand in need of medical Assistance, shall, without Loss of Time, procure such Assistance for such Slave, and also shall provide for and furnish such Slave with all such Food, Wine, Nourishment, and with all and every such other Necessary and Necessaries of every Kind, as the medical Person whose Assistance he may call in, shall order or direct, under the Penalty of fifty Pounds for every Omission.

Bodies of Slaves dying suddenly, to be viewed by Coroner's Inquest.

XX. And be it further enacted by the Authority aforesaid, That whenever any Slave not under the Age of six Years, nor from natural Decay, *shall die suddenly without having been visited at least forty-eight Hours before his or her Decease, by some Medical Person duly qualified to practice Physick,* it shall and may be lawful for the Coroner, or where there is no Coroner, for some Justice of the Peace, and he is hereby authorized and commanded to hold an Inquest not consisting of less than three Persons on the Body of such Slave, to inquire into and return the Cause of his or her Death; and if any Owner or Director of any Slave within the *Leeward* Islands, shall omit to give Notice to the Coroner or Justice aforesaid, of the Decease of any such Slave under the Circumstances aforesaid, within six Hours after such Decease, or shall bury any Slave so dying before he shall have given such Notice, or within eighteen Hours after the same, he shall forfeit for every such Offence, the Sum of one hundred Pounds. Provided that the Person taking such Inquest shall in no Case receive for the same, more than the Sum of three Pounds six Shillings to be paid by the Public of said Island.

Killing or Maiming a Slave, to have the same Punishment as Killing or Maiming a white Person.

XXI. And be it further enacted by the Authority aforesaid, That every White or free Coloured-Person charged with the Murder or Maiming of any Slave, whether such Slave belong to such Person or not, shall be tried and punished for such Murder or Maiming in the same Manner, without any Sort of Distinction or Privilege, as if he or she were charged with the Murder or Maiming of any white or free Person whatever, Provided nevertheless, that if he or she shall be convicted,

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convicted, such Conviction shall not extend to or occasion any Corruption of Blood, or Forfeiture of Lands or Tenements, Goods or Chattels.

XXII. And whereas the Marriage of Slaves cannot give any particular Right either to the contracting Parties or to their Children, and it being unnecessary and even improper to enforce the Celebration of any religious Rites among the Slaves in order to sanctify Contracts, the faithful Performance of which can be looked for only by a regular Improvement in Religion, Morality, and Civilization, and should not be immediately enforced by any compulsory Methods, lest the Violation of sacred Vows be too often added to the Crime of Infidelity. And whereas it seems more eligible to encourage than compel such Improvement in Religion, Morality, and Civilization among such Slaves, for the Purposes aforesaid, and for other good Purposes: Be it therefore further enacted by the Authority aforesaid, That every Owner and Director of any Slave on any Estate within the *Leeward* Islands, shall within two Months after the Publication of this Act, and also on the first Day of January every Year, convene and assemble together the Slaves under his Direction, and inquire which of them have a Husband or Wife, or more than one; and if an Acknowledgment be made in Consequence of such Inquiry of more than one Husband or Wife, then such Owner or Director shall compel such Slave making such Acknowledgment to elect some one Slave only as his or her Husband or Wife; and when such Election is made, such Owner or Director shall enter the same in a Book to be kept for that Purpose, and make the same as public as possible by convening once in every twelve Months all the Slaves upon such Plantation, and reading to them the same in a distinct and audible Voice, at the same time extolling the good Behaviour of those who have been faithful to their Engagements, and reprobating the Misconduct of those who have acted to the contrary, doing his utmost to keep together in Harmony, the Parties who have made such Election, and to encourage all the other Slaves of which he is Manager, Master or Director, as they shall arrive at the Age of Maturity, to make such Election as aforesaid, and adhere as strictly as possible to the same: And every Owner or Director of any Female Slave who shall have a Child while she preserves her Fidelity to such Engagement as aforesaid, or is reputed so to do, shall in six Weeks after the Birth of such Child, if the same be then living, pay and give to the Mother of such Child four Dollars, and the same Sum with one Dollar more for every other Child she shall bear and have under the same Circumstances;

Owners to encourage Slaves to have each one Husband or Wife, and no more;

And enter such nominal Marriages in a Book, &c.

A Female Slave keeping her conjugal Engagement to have a Gratuity of four Dollars for her first Child, and five for each succeeding Child.

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Owners to
comply with
Clause, under
50%. Penalty
for each Omission.

Slaves living
with Fidelity,
as Man and
Wife, to have
a Gratuity of
a Dollar each
annually.

A Female
Slave having
six Children,
the youngest
seven Years
old, to do only
light Work.

White Persons
not to have
criminal
Intercourse
with married
Female Slaves,
under Penalty
of 100%.

Owners, re-
straining
Slaves from
attending public
Worship
on Sundays, to
forfeit 5%.

Beneficed
Clergymen
refusing to
baptize Slaves
sufficiently in-
formed, to forfeit
30s.

cumstances; and if any Owner or Director shall omit in any Respect to comply with and fulfil the Directions of this Clause, he shall forfeit the Sum of fifty Pounds for every such Omission.

XXIII. And be it further enacted by the Authority aforesaid, That every Owner and Director shall give, to every Male and Female Slave who shall live together faithfully and peaceably as aforesaid, as Man and Wife, one Dollar each for every Year that they shall so live together.

XXIV. And be it further enacted by the Authority aforesaid, That as soon as any Female Slave shall have six Children living, and who have been born during such Cohabitation as aforesaid, the youngest of which shall be seven Years of Age, the Owner or Director of such Female Slave shall not oblige such Female Slave to do any other than light Work, under the Penalty of twenty Pounds.

XXV. And be it further enacted by the Authority aforesaid, That no Owner or Director of any Slave, nor any Overseer, nor any other Description of white Men on any Plantation, shall weaken the Effect of the Exhortations and Enquiries enjoined by this Law by his own irregular Conduct, in cohabiting or having criminal Commerce with any Female Slave who shall have elected her Husband as aforesaid; every such Person for every such Offence, being thereof convicted by legal Testimony before any two or more Justices of the Peace, shall forfeit and pay the Sum of one hundred Pounds.

XXVI. And whereas, it appears to be impracticable and ineffectual to endeavour to compel any Slave to adopt and conform themselves to any religious Establishment, although they may be brought gradually to a considerable Degree of religious Knowledge, by Attention on the Part of their Owners or Directors and the Clergy. Be it therefore further enacted by the Authority aforesaid, That in Case any Owner or Director shall in any Manner whatsoever, restrain or prohibit, or cause to be restrained or prohibited, any Slave, (excepting such whose Services are necessary on a Sunday) under his or her Direction, from receiving religious Instruction, by attending on Sundays at any Church or Chapel, or any other Place of Worship held by the regularly established Clergy of any religious Christian Sect tolerated in the *Leeward* Islands, or by receiving Baptism according to the Rites of the regularly established Church or other tolerated Christian Church, such Owner or Director, for every such Offence, shall forfeit the Sum of five Pounds; and in Case any regular Clergyman who has any Living in any of the *Leeward* Islands, shall refuse or neglect when thereto reasonably required to

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to baptize any Slave without Fee or Reward, on any Sunday immediately after divine Service, such Clergyman shall forfeit and pay, for every such Refusal and Neglect, the Sum of thirty Shillings; provided that such Clergyman shall not be compelled so to do in Case of the Ignorance or ill Character of such Slave so requiring to be baptized; but that in all such Cases, such Clergyman shall endeavour by Exhortation and Instruction to qualify such Slave as he may so reject, to be thereafter baptized and received into the Faith of Christ's Church.

XXVII. And be it further enacted by the Authority aforesaid, That when any Slave shall be sick, or unable from any Accident or Cause whatsoever to perform his usual Duty or Labour, his or her Owner or Director shall cause such Slave to be visited by some Person duly qualified to practice Physick and Surgery according to the Laws of the respective Islands where such Slave shall live, and shall cause such Medicines, Food, and other Necessaries, as such qualified Practitioner shall from Time to Time reasonably order or direct, to be duly administered to such Slave, under the Penalty of five Pounds.

Owners to furnish medical Attendance, Food, and Necessaries, to sick or disabled Slaves, under Penalty of 5/.

XXVIII. And be it further enacted by the Authority aforesaid, That every Medical-Man so qualified as aforesaid, or a proper White Assistant, shall attend each Estate to the Care of which he shall be appointed, at least two Days in every Week, whether thereto especially called or not, unless he has Notice in Writing from the Proprietor or Director of such Estate, that his Presence is not required, and such Medical-Man, or White Assistant as aforesaid, shall further attend at all Times when especially called upon so to do by the Proprietor or Director of the Slaves respectively, and if any Medical-Man shall offend against this Clause, he shall forfeit the Sum of five Pounds.

Medical Attendant to visit Estate twice a Week [Exception], and at all Times when called, under Penalty of 5/.

XXIX. And be it further enacted by the Authority aforesaid, That the said Practitioner or his Assistant shall attend within eight Hours after the Call has come to his or their Knowledge, under the Penalty of ten Pounds.

Within eight Hours after Call, under Penalty of 10/.

XXX. And be it further enacted by the Authority aforesaid, That every Owner or Director of Slaves shall have, under the Penalty of one hundred Pounds, on the Estate or Place where the Slaves usually reside, a commodious Hospital or Sick-House, furnished with proper Conveniences for the Sick, and a sufficient Number of Attendants, and shall, under the Penalty of twenty Shillings, either in his own Person or by some White Person under his Direction, attend as often as may be requisite, at the Hospital or Sick-House, to see that the Sick are furnished with the Medicines that may be ordered

Owner of Slaves to have commodious Hospital under Penalty of 100/.; and see the Sick properly provided under Penalty of 20s.

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for them by the said Practitioner or his Assistant in the Manner so ordered, and also with such Diet as the said Practitioner or his Assistant shall reasonably direct to be given.

Owner to keep Register, under Penalty of 40s.; for medical Attendant, under same Penalty, to record his Method of treating the Slaves

XXXI. And be it further enacted by the Authority aforesaid, That a Book or Register shall be provided and kept on every such Estate by the Owner or Director under the Penalty of forty Shillings, in which the Practitioner or Assistant shall also, under the Penalty of forty Shillings, write, in the English Language, opposite to the Name of such Slave so being Sick, his Directions as to the Time or Times of administering the Medicines he intends to prescribe, stating the Form in which they are to be sent, whether in Pills, Powder, or Mixture, or in whatsoever other Form, and also as to the Diet to be provided for the Slave, and at the End of the same Directions, he shall write his Prescriptions in the Form usually followed by Medical Practitioners.

A Call on a Medical-Man to be in Writing describing the Case, that he may send the Slave Medicines, if professional Business prevents his immediate Visit.

XXXII. And be it further enacted by the Authority aforesaid, That whenever any Owner or Director of any Slaves shall have Occasion to send a special Call to the Practitioner who shall have the care of the Slaves under his Direction, he shall send the same in Writing in the said Book or Register, stating the Time of the Day or Night when he sends for the same to the best of his Knowledge, and *the Name, Age, Sex, and bodily Appearance of the Slave or Slaves, on whose Account such Call is made*, together with the most material or urgent Symptoms which such Slave exhibits, and any other Circumstances that he may think will assist the said Practitioner in forming a Judgment of the Case, and may enable him to carry with him, such Medicine as he may from such Statement, judge to be proper, if he can go immediately to visit the said Slave; or to send such Medicines or Directions as may be of use, until he can visit him or her, or cause him or her to be visited by his Assistant or some other Practitioner, if he has such other urgent medical Business to attend, as to prevent his visiting the said Slave immediately; and that the said Practitioner, his Assistant, or some other free Person who may be kept to make up and dispense Medicines for him, shall insert in the same Book or Register, immediately after the Statement hereinbefore directed to be made by the Owner or Director of the Slave, the Time, as nearly as he can, when the said Call shall arrive at the Dwelling or other House of the said Practitioner as aforesaid, under the Penalty of forty Shillings.

Medical Practitioner to register Time at which Call on him arrives, under Penalty of 40s.

Practitioner to keep on Estate he attends

XXXIII. And be it further enacted by the Authority aforesaid, That every Practitioner shall keep, under the Penalty of five Pounds, on

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on every Estate under his respective Care, a small Quantity of such Medicines as may with safety be left in the Hands of a Person unskilled in the Science of Medicine, to be at Hand in case of sudden Emergency, with such Directions as to their Use, as he may judge sufficient for the Information of the Owner or Director of the Slaves, which Directions ought to be inserted in the first Page of every new Book or Register, so to be provided and kept as aforesaid, under the Penalty of forty Shillings.

tends, Medicines with Directions, for the unskilled to administer on Emergency, under Penalty of 5*l*. Such Directions to be in 1st Page of Register, under Penalty of 40*s*.

XXXIV. And be it further enacted by the Authority aforesaid, That every Proprietor of an Estate shall employ some Medical-Gentleman properly qualified by the Year, provided the Proprietor of the said Estate is not a Medical-Man himself, and provided such medical Assistance can be procured upon reasonable Terms, under the Penalty of ten Shillings for every Slave upon such Estate.

Each Proprietor to employ qualified Medical-Man by the Year, if to be had reasonably, under Penalty of 10*s*. per Slave.

XXXV. And be it further enacted by the Authority aforesaid, That upon the first Day of *January* in every Year, or at the first Meeting of the Council and Assembly of the Island wherein the Estate hereafter mentioned may be situated, the Owner or Director of every Plantation within the *Leeward* Islands, shall, under the Penalty of one hundred Pounds, return, upon Oath, before the Council and Assembly of the said Island, a just and true Account of all the Births and Deaths of the Slaves on such Plantation, and also of the Manner in which, to the best of his Opinion and Judgment, the said Slaves have been attended and provided for, when sick, for the preceding Year, or during such Time as he hath had the Possession or Management of such Plantation: And if any Proprietor, Manager, or Director shall quit a Plantation, where he has resided, at any Time between the first of *January* in one Year, and the first of *January* in the ensuing Year, such Proprietor, Manager, or Director, shall within ten Days after he has so quitted such Plantation, make out such Return as before directed, up to the Time when he does so remove, under the Penalty last aforesaid.

Owners, &c. to return, annually, on Oath, an Account of Births and Deaths, and how sick Slaves have been attended, under Penalty of 100*l*.

In ten Days after quitting any Plantation, similar Return.

XXXVI. And be it further enacted by the Authority aforesaid, That the Doctor or Surgeon of every Plantation shall, on the first Day of *January* in every Year, or at the first Meeting of the Council and Assembly of the Island wherein such Estates shall be situated, return as aforesaid, upon Oath, an Account of the Slaves who have died upon such Plantation in the preceding Year, or during such Time as he hath had the Care of such Slaves, with the real Causes of such Deaths, to the best of his Knowledge, Judgment, and Belief, and also of the Manner in which, to the best of his Knowledge and Belief,

Medical-Men to return on Oath, yearly the Number of Slaves who have died on each Estate, the Cause of Death, and the Treatment of the Invalid and Sick, under Penalty of 100*l*.

the

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the invalid and sick Slaves have been treated and attended to, under the Penalty of one hundred Pounds for every such Offence against this Clause.

Owners of Pregnant Slaves to keep them on Estate; to employ them, only, on light Work; and not punish them but by Confinement, under Penalty of 5/.

XXXVII. And be it further enacted by the Authority aforesaid, That every Owner or Director of any Female Slave within the *Leeward* Islands, who shall be *five Months gone with Child*, shall keep and detain such Female Slave upon the Estate to which she belongs, at all Times when the other Slaves are at Work, but not employ her otherwise than in taking care of the Children on the Estate, or *other light Work*, and such Owner or Director shall upon no Account, suffer such Female Slave to quit the said Estate at the Times the other Slaves are at Work, and employed thereon; nor shall any such Female Slave be punished in any other Manner than by Confinement: and if any Owner or Director as aforesaid, shall offend against this Clause in any respect, he shall forfeit for the same the Sum of five Pounds.

Proprietor to provide a Slave, pregnant with her first Child, with a House of two Rooms, or Reception in the Lying-in Ward, under Penalty of 20/.

XXXVIII. And be it further enacted by the Authority aforesaid, That whenever a Negro Woman Slave shall be pregnant with her first Child, every Owner or Director of every such Negro Woman Slave, shall erect and build for her a roomy and commodious Negro House of two Rooms; provided she has no such House, and such Proprietor shall not choose to compel her to lay-in in the Ward or Hospital for lying-in Women hereafter mentioned; under the Penalty of twenty Pounds.

After two Years, where Females in a Cargo of imported Slaves shall not exceed Males, 10s. Penalty for every Male; for every aged, or infirm Slave 50/.

XXXIX. And be it further enacted by the Authority aforesaid, That where the Number of Female Slaves in any of the *Leeward* Islands in which a Cargo of Slaves shall be imported, shall not exceed the Number of Males, the Sum of ten Shillings shall be paid for every Male so imported; and also that the Sum of fifty Pounds shall be paid for every aged and infirm Negro Slave imported into any of the *Leeward* Islands in any Cargo, after the Expiration of two Years from the Publication of this Act.

Penalties not otherwise paid, to be levied on Goods; in default of Goods, Offender to be imprisoned not exceeding six Months.

XL. And it is hereby further enacted by the Authority aforesaid, That every Penalty and Forfeiture imposed by this Act not otherwise recoverable, shall be recovered by Warrant under the Hands and Seals of any two or more Justices of the Peace, directed to the Provost Marshal or his lawful Deputy; who is hereby authorized to levy the same on the Goods and Chattels of every Person or Persons offending against this Act, and who shall be convicted thereof before such Justices; and shall bring the same to sale within ten Days after such Levy; and for the want of such Goods and Chattels, such Offender

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Offender shall be committed to the common Jail of the Island where such Offence shall be committed, for any Time not exceeding six Months, nor less than five Days, at the Discretion of such Justices; and all such Penalties and Forfeitures shall go and belong to the Persons informing against such Offender: Provided nevertheless, that every Person so convicted may appeal to the next superior Court of Criminal Jurisdiction, if he conceives himself aggrieved.

Persons aggrieved may appeal to superior Court.

XLI. And whereas many Persons have often been prevented from supplying their Slaves with sufficient Food and Clothing by the incumbered State of their Property; their Plantations and Slaves being sometimes charged with Mortgages or other Incumbrances to so great an Amount, as upon a Levy and Sale thereof to leave no Surplus or Fund for the Satisfaction of Debts due for Provisions or Clothing furnished for the necessary Subsistence of their Slaves; and Merchants have therefore been discouraged from selling Provisions or Clothing to Persons in doubtful or embarrassed Circumstances, to the very great Distress and Danger of the Slaves, and also to the manifest Prejudice of Mortgagees or other Creditors, whose Securities may either wholly or in a very great Measure depend upon the Lives or good Condition of such Slaves: Be it therefore also enacted and ordained by the Authority aforesaid, That all Debts, which, from and after the Publication of this Act, shall be contracted by the Proprietor or Possessor of any Piece or Parcel of Land cultivated and carried on as a Sugar, Cotton, or Coffee Plantation, or by any Proprietor or Possessor of Slaves not less than twenty in Number, generally employed as a Task Gang; or by the lawful Attorney or Agent of such Proprietor or Possessor, for any Species of Provisions or Clothing herein before mentioned and directed to be provided for Slaves, shall be deemed and considered as specific or prior Liens or Incumbrances upon all and every Slave and Slaves belonging to such Plantation or Task Gang, as far as the Estate or Interest of the Proprietor or Possessor of such Slaves, doth or can extend to pay and satisfy the same: and that all and every such Debt or Debts shall be paid and satisfied, in Preference to any other Debt or Incumbrances whatsoever, although existing before the passing of this Act, except Debts now due or hereafter to become due to His Majesty, His Heirs or Successors: provided such Provisions or Clothing shall have been actually sold and delivered within the Space or Term of twelve Calendar Months next before the Commencement of any Action or Suit, for recovering or enforcing Payment for the same, and that such

Debts contracted for Food and Clothing for Slaves, made a prior Lien on Slaves, excepting as against Debts to the King;

if sued for within twelve Months.

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Action or Suit be commenced, proceeded upon, tried, and determined, in the Manner and Form hereinafter mentioned.

Persons selling Food or Clothing on the Security of the preceding Clause, to deliver a Memorandum (the Memorandum to be signed by Receiver) and keep an Account.

Persons receiving Necessaries on such Security, not to sell them, under Penalty of 500%. or a Year's Imprisonment.

On Complaint of Disposition of Negro Provisions or Clothing contrary to the Act, Justices to inspect Memorandums and Accounts, and bind Holders of the Books in 500%. to produce them, and give Evidence.

XLII. And in order to prevent Persons in distressed and embarrassed Circumstances, from fraudulently disposing of, or otherwise misapplying any Negro Provisions or Clothing which they have procured in Consequence of this Act, to the Prejudice of their former or other Creditors, and that such Frauds may the more easily be detected and punished: Be it also enacted and ordained by the Authority aforesaid, That whenever any Negro Provisions or Clothing shall be sold, and the Person or Persons selling the same is or are desirous that the Slaves of the Person or Persons to whom or for whose Use such Provisions or Clothing are sold and delivered, should be specifically bound for the Payment of the Monies due or owing for the same, a Memorandum in Writing of such Sale and Delivery, shall upon the same Day be made and entered in a Book to be kept for that particular Purpose, and such Memorandum or Entry shall be signed by the Person or Persons to whom or for whose Use the said Provisions or Clothing were sold and delivered, or by his, her, or their lawful Attorney or Attornies, or known Agent or White Servant. And if the Person or Persons to whom or for whose Use such Provisions or Clothing have been so sold and delivered, or his, her, or their Attorney, or known Agent or Servant, shall sell, give away, or exchange the said Provisions or Clothing, or any Part or Parcel thereof, then and in such Case the Person or Persons so offending, shall for every such Offence, forfeit and pay the Sum of five hundred Pounds: And if such Fine shall not be paid during the Sitting or Session of the Court before whom the said Offence shall be prosecuted, such Offender or Offenders shall suffer one Year's imprisonment without Bail or Main Prize, in Lieu of the said Fine.

XLIII. And be it also enacted and ordained by the Authority aforesaid, That whenever any Complaint or Information in Writing of or concerning the selling, giving away, or exchanging any Negro Provisions or Clothing, contrary to the true Intent and Meaning of this Act, shall be made or exhibited to any Justice of the Peace, it shall and may be lawful to and for such Justice, and he is hereby required to order and direct any Person or Persons having in his, her, or their Custody, Possession, or Power, any Book or Books wherein any Memorandum or Acknowledgment in Writing of the Sale and Delivery of any Negro Provisions or Clothing shall be made or entered in Pursuance of this Act, to produce before him such Book or Books, and also to examine upon Oath such Person or Persons, or any other Person or Persons whom he in his Discretion shall

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shall think proper, touching the said Book or Books, or the Entries made and contained therein, so far as the same shall appear to be necessary or material for the Proof or Support of the said Complaint or Information; and also to require or take from the Person or Persons having in his, her, or their Custody, Possession, or Power, such Book or Books, a Recognizance in and for the Sum of five hundred Pounds Current Gold or Silver Money, conditioned for the Appearance of such Person or Persons at the Court wherein such Complaint or Information is intended to be further prosecuted, and for his, her, or their producing before the Grand Jury and Petit Jury of the said Court, such Book, or Books, or Writings, as in the said Recognizance shall be particularly mentioned and specified, and for his, her, or their duly attending to give Evidence or Testimony, at or upon the Trial of any Indictment or Information, which shall be preferred or prosecuted for the selling, giving away, or exchanging any Negro Provisions or Clothing, contrary to the true Intent and Meaning of this Act, or to the like Purport or Effect; and if such Person or Persons shall refuse to produce such Book or Books, or to be examined touching the same as aforesaid, or to enter into a Recognizance to the Purport or Effect aforesaid, he, she, or they shall, by Warrant under the Hand and Seal of such Justice, be committed to the common Jail, there to remain without Bail or Main Prize, until he, she, or they shall submit to produce such Book or Books, and be examined touching the same, and to enter into such Recognizance as aforesaid.

XLIV. And be it also enacted and ordained, by the Authority aforesaid, That if, upon the Trial of any Indictment or Information which may be prosecuted for the said Offence, it shall appear to the Court and Jury, before whom such Indictment or Information shall be tried, that within the Space of three Calendar Months next before the Commission of the Fact charged in such Indictment or Information, any Negro Provisions or Clothing have been sold and delivered in Pursuance of this Act; for the Use of the Slaves belonging to the Plantation or Task Gang, in the Possession, or under the Care or Direction of the Defendant or Defendants to such Indictment or Information; and that a Memorandum or Entry of such Sale and Delivery in Manner and Form herein before mentioned hath been duly made; and the said Defendant or Defendants shall not be able to prove, that the Negro Provisions and Clothing, for the Sale, Gift, or Exchange whereof the said Indictment or Information is prosecuted, were not purchased and delivered in Pursuance of this Act, but upon the Credit

Holder of Books, non-complying, to be committed till obedient.

On the Trial, Proof of the Defendant having received any Necessaries under the Act, within 3 Months, and of the Memorandum of Delivery (unless he can prove that the Necessaries mentioned in the Prosecution were received, not under the Act, but on his personal Credit), to be sufficient.

dit of the Person or Persons to whom and for whose Use the same were sold and delivered ; such Omission, or want of Proof, by or on the Part of such Defendant or Defendants, shall be deemed and taken as sufficient Evidence or Proof to the Grand Jury and Petit Jury, that such Negro Provisions or Clothing have been sold, given away, or exchanged, contrary to the Intention of this Act.

In an Action on Necessaries as a prior Lien, the Declaration to mention only the Sale and Delivery.

The Jury to find no greater Damages than the Amount sold within twelve preceding Months; and no Damages, unless the Act has been strictly adhered to.

Admission by the Defendant not to be Proof.

Act must be adverted to, by the Form in Clause, in entering Verdict and Process.

XLV. And be it also enacted and ordained, by the Authority aforesaid, That when any Action or Suit shall be commenced and prosecuted for the Payment or Recovery of any Monies due or owing for Negro Provisions or Clothing, and it is intended that such Action or Suit shall operate or take effect as a prior Charge or Lien upon the Slaves of the Defendant or Defendants to such Action or Suit, or of his, her, or their Testator, Testatrix, or Intestate, under or by Virtue of this Act, the Declaration or Counts in such Action or Suit, shall not mention or contain any Article, Consideration, or Cause of Action whatsoever, other than the Sale and Delivery of such Provisions or Clothing; nor shall the Jury, upon the Trial of such Action or Suit, find or assess any other or greater Damages, by way of Interest or otherwise, than the Amount or Value of the Provisions or Clothing actually sold and delivered to such Defendant or Defendants, or his, her, or their Testator, Testatrix, or Intestate, within the said Term of twelve Calendar Months next before the Commencement of such Action or Suit; nor shall any Damages whatsoever be found or assessed in such Action or Suit, unless a particular Account of the several Quantities of the said Provisions or Clothing, and the Price or Prices at or for which the same were actually sold and delivered be produced and proved in open Court, and it be also proved that a Memorandum or Acknowledgment in Writing of the Sale and Delivery of such Provisions or Clothing was duly made and entered in the Manner and Form herein before mentioned and required; nor shall any other Admission, Acknowledgment, or Confession of the Defendant or Defendants, in such Action or Suit, or of any other Person or Persons, on his, her, or their Part or Behalf, be received or admitted as Proof of the Sale or Delivery of such Provisions or Clothing, or any Part thereof, any Law, Usage, or Custom to the contrary notwithstanding.

XLVI. And be it also enacted and ordained, by the Authority aforesaid, That immediately after the Verdict of the Jury shall be given in such Action or Suit, the Secretary or Clerk of the Court shall add to the Entry of such Verdict, the following Words, viz. "According to the Form and Effect of the Act of the General Council and General

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“ral Assembly of the Leeward Caribbee Islands.” And the same Words shall also be mentioned in the Entry of any Judgment which shall be obtained upon such Verdict, and in any Writ of Execution issued upon such Judgment, and also in the Entry or Notice of such Execution in the Books of the Provost Marshal, Deputy Provost Marshal, or other Person to whom the said Writ of Execution shall be delivered.

XLVII. And be it also enacted and ordained, by the Authority aforesaid, That all Slaves belonging to the Person or Persons, to whom or for whose Use such Provisions or Clothing were sold and delivered, shall be bound and be liable for the Payment or Satisfaction of any Writ of Execution, which shall be issued upon any Judgment obtained in such Action or Suit, in the Manner and Form herein before mentioned, provided such Judgment shall be obtained within the Space or Term of nine Calendar Months next after the Commencement of such Action or Suit; and that when any Writ or Writs of Execution have been already issued against the Defendant or Defendants in such Action or Suit, or his or their Ancestor, Testator, or Intestate, the Plaintiff or Plaintiffs in such Action or Suit, or some other Person or Persons on his, her, or their Behalf, shall make Oath before any Judge or Justice, of the Writ wherein such Action or Suit shall be commenced, of the Monies which, according to the best of his, her, or their Knowledge and Belief, are really and *bona fide* due or owing unto such Plaintiff or Plaintiffs; and deliver a true Copy of such Affidavit or Deposition, after the same hath been filed in the proper Office, unto the Provost Marshal, or other Officer, whose Duty it may be to levy the said Writ or Writs of Execution; together with a Notice in Writing, signed by such Plaintiff or Plaintiffs, or his, her, or their Counsel or Attorney, requiring the said Provost Marshal, Deputy Provost Marshal, or other Officer, if any Monies shall be received by him under or by Virtue of the said Writ or Writs of Execution, to keep and retain so much of the said Monies as will be sufficient to satisfy any Judgment which may thereafter be obtained in such Action or Suit.

XLVIII. And be it also enacted and ordained, by the Authority aforesaid, That all Judgments recovered against any Executors or Administrators, for Monies due or owing for Negro Provisions and Clothing, sold and delivered to their Testator or Intestate, in Pursuance of this Act, shall be paid and satisfied in Preference to any other Judgment, Incumbrance, or Debt whatsoever, other than Debts due to His Majesty, His Heirs, or Successors; provided that

Slaves liable, in Execution, if Judgment be obtained in nine Calendar Months after Suit; and Plaintiff, after making Oath of the Process and Debt, deliver to proper Officer Copy of Oath, with Notice to keep the Monies levied to satisfy Judgment.

Judgments recovered against Executors or Administrators, for Credit to their Testator or Intestate under Act, to have a like Preference; provided

provided Suit be brought in a Month after Will proved, or Administration obtained, and prosecuted without delay.

In case of Doubt, that Construction of Act preferred which best promotes the Protection and Comfort of the Slaves.

Persons sued for any Thing done by Virtue of Act, may plead General Issue, &c. and, on Prosecution failing, to have treble Costs.

Act not to prevent the Legislature of any Island from passing Laws for the better Subsistence and Protection of Slaves in such Island; or for explaining or amending Act; so as the Protection to

an Action or Suit for the Recovery of the said Monies, so due and owing for Negro Provisions and Clothing, be commenced within one Calendar Month next after the Will of the Person, to whom or for whose Use the said Provisions or Clothing were sold and delivered, hath been proved and recorded, or Letters of Administration of the Goods and Chattels, Rights and Credits, of the Person to whom or for whose Use such Provisions or Clothing were sold and delivered, hath been obtained, and that such Suit be prosecuted to Judgment with Effect, and without any improper or unnecessary Delay whatsoever.

XLIX. And be it also enacted and ordained, by the Authority aforesaid, That if any Doubt or Difficulty shall arise upon the Construction of any Section, Clause, or Sentence contained in this Act, such Section, Clause, or Sentence, shall always be favourably construed, in such Manner and Form, as will best tend to promote and secure the Protection and Comfort of Slaves, according to the true Intent and Meaning of this Act.

L. And be it also enacted and ordained, by the Authority aforesaid, That if any Action, Suit, or Prosecution shall be commenced or prosecuted against any Justice or Justices, or any other Person or Persons, for any Matter or Thing done or performed under, or by Virtue of this Act, it shall and may be lawful to and for the Defendant or Defendants in any such Action, or Suit, or Prosecution, to plead the general Issue, and to give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, in such Action, Suit, or Prosecution, shall be Nonsuited, or discontinue such Action, Suit, or Prosecution, or Judgment shall be given against such Plaintiff or Plaintiffs, or Prosecutor or Prosecutors, upon Verdict, Demurrer, or otherwise, such Plaintiff or Plaintiffs, or Prosecutor or Prosecutors, shall pay to such Defendant or Defendants, treble Costs of Suit, for which such Defendant or Defendants shall have the like Remedy, as any other Defendant or Defendants have or may have in any other Actions or Suits.

LI. And be it also enacted and ordained, by the Authority aforesaid, That nothing herein before contained shall extend, or be construed to extend, to prevent or hinder the Legislature of any Island or Islands, within the Government of the Leeward Caribbee Islands, from making and passing any Law or Laws which may be thought necessary and proper, for the better Subsistence or Protection of the Slaves in such Island, or for explaining or amending any of the Clauses or Sentences in this Act herein before mentioned and contained: so as such Law or Laws do not contain any Clause, Matter, or

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or Thing, which shall in any Degree lessen or restrain any Protection, Privilege, or Indulgence, provided or granted to Slaves by this Act, according to the true Intent and Meaning thereof.

to Slaves be
not lessened.

LII. And be it further enacted, by the Authority aforesaid, That all Penalties hereby imposed and not herein before provided for, shall be recoverable, by Indictment or Information, in any of His Majesty's Courts of Record within any of the said Islands where such Penalties may be incurred ; and that such Penalties, when so recovered, shall be paid into the Public Treasury of the said Island, to be appropriated for the Public Uses thereof.

Penalties not
before provided for, recoverable by Indictment or Information, and payable to Treasurer.

Provided always, and it is hereby expressly declared, That this Act shall not be in Force, or have any Effect or Operation whatsoever, until approved and confirmed by His Majesty, and such Approbation and Confirmation shall have been duly signified and published.

Suspending
Clause.

Dated in *Saint Christopher*, this twenty-first Day of *April*, in the thirty-eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great-Britain, France, and Ireland*, King, Defender of the Faith, and so forth ; and in the Year of our Lord one thousand seven hundred and ninety-eight.

Read and passed the General Assembly this 16th Day of April, 1798.

{ Read and passed the General Council this 20th Day of April, 1798.

JA. WARD,
Clerk of General Assembly.

E. MOORE,
Clerk of General Council.

OLIVER Y. ASH, *Speaker.*

THE
L A W S
OF THE
ISLAND OF ANTIGUA.

20th CHAR. II. A. D. 1668.

ANTIGUA.

By his Excellency *William* Lord *Willoughby* of *Parham*, Captain General and Chief Governor of *Barbadoes*, and the rest of the *Caribbee Leeward* Islands, with his Honourable Council, and Representatives of the several Inhabitants of this Island.

An Act for Indemnity, and declaring all old Titles to Land void and lost, by Reason of the French King's Conquest.

Dated 10th April, 1668.

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Nis. 2—5.

A. D. 1668.

No. 2.
OBSOLETE.*An Act for the settling the present Inhabitants of this Island in their Lands.*

Dated 11th April, 1668.

No. 3.
OBSOLETE.*Acts for Appeals to Barbadoes, and for Suspension of the Penal Laws against Persons obedient to Civil Government, and differ in Judgment from the Church of England.*

Dated in Antigua the 11th of April, 1668.

No. 4.
OBSOLETE.
For Laws on
SETTLE-
MENTS and
POPULA-
TION, See Act
of 24th Decem-
ber, 1700 (No.
118) and the
correlative
Acts there re-
ferred to.*An Act for the Encouraging and Promoting the Settling of this Island.*

Dated 11th April, 1668.

No. 5.
AMENDED by
Act of 9th Ja-
nuary, 1676
(No. 39) s. 5.
6. 7. 8. 9. 10.
FURTHER A-
MENDED by
Act of 3d No-
vember, 1698
(No. 106).*An Act for establishing a Register's Office, and the several Fees that belong thereunto.*See No. 106,
with Referen-
ces to nume-
rous correla-
tive Acts.

FORASMUCH as the Estates of Planters will mostly and chiefly consist in Lands to be granted to them, and confirmed by Patent, or which they may purchase hereafter from such who shall hold Lands, by Force and Virtue of such Grants and Patents, and may legally descend to them hereafter, it is thought to be Matter of very great Concern, as well for the taking away all Occasions of Fraud, as for the preventing future litigious Suits and Controversies touching Lands, their Grants, Alienations, or Descents to all such as shall come to be Planters, Freeholders, or Tenants of any Land upon this Island, that an Office of registering or recording of all such Matters be appointed and established:

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II. Be it therefore ordained and enacted, and it is hereby ordained and enacted by the Authority aforesaid, That a Register Office shall be established in this Island, which shall be an Office distinct and apart from all other Offices, in the which shall be entered first all Warrants for Lands hereafter to be granted, the Surveyor's Return upon every such Warrant recorded, and the Original returned under the Surveyor's Hand, filed, all Patents, Deeds of Sale, Leases of Land, and Mortgages, shall in the said Office be made, and afterwards recorded therein at large; and also in the said Office shall be kept one Book for Alienation of Lands, wherein shall be registered a brief Account of what Land every Person possesses, relating to the other Books of every Parcel entered at large, and what shall at any Time by any Person be sold or mortgaged, from Time to Time and at all Times, to any other Person, transporting the same from the Vendor or Seller to the Account of the Vendee or Purchaser.

Register Office to be established for entering Warrants for Land, and recording Surveyor's Returns and Conveyances;

and a Book for Alienations, kept.

III. And to the end a good Order and Method may be observed and kept in the said Office, touching all and every the said Entries, Matters, and Things to be therein done, some able Person of good Discretion and Honesty shall be commissioned to be Register and Recorder in the said Register's Office, *whose Fees shall be as followeth*, (*viz.*) For entering every Parcel of Land, and the Title from whence derived, he shall or may receive thirty Pounds of Tobacco or Sugar; for each Warrant to the Surveyor, he shall or may receive one hundred Pounds of Sugar or Tobacco; for entering the Surveyor's Return, he shall or may receive thirty Pounds of Sugar or Tobacco; for drawing a Deed of Sale and recording it, he shall or may receive thirty Pounds of Sugar or Tobacco; for making a Lease and recording it, he shall or may receive fifty Pounds of Tobacco or Sugar; for drawing a Patent, he shall or may receive fifty Pounds of Tobacco or Sugar; for recording a Patent at large, he shall or may receive fifty Pounds of Tobacco or Sugar; for making a Deed of Mortgage and recording it, he shall or may receive one hundred Pounds of Tobacco or Sugar; for registering each Alienation, he may receive thirty Pounds of Tobacco or Sugar; and for that especial Care is taken in this Act, for the drawing and recording all Manner of Warrants, Thing and Things concerning Lands, their particular Grants, Mortgages, Leases, and Alienations.

Register and Recorder to be appointed.

Register's Fees.

For the last Docket of Fees see Act of 8th February 1765 [No. 275] sect. 1.

IV. And it is further enacted by the Authority aforesaid, That no Writing, Lease, Deed of Sale, Mortgage, or any other Transaction relating to Lands, made in this Island by any other Person than the Register himself, or his Clerks in the said Office, shall be any ways binding

The Passage in Italics repealed by Register Act of 2d November, 1698, [No. 106] Sections 8. and 18.

Deeds made beyond Sea of no Effect till recorded in the Island.

The Defect in this Act of not limiting a Time for recording Deeds is supplied by Act of 9th January, 1676 (No. 39) s. 6. 7. which see.

THIS CLAUSE REPEALED by Act of 3d November, 1698 (No 106) Sect. 8. and 18.

or beneficial to any Person concerned therein, either to be pleaded in Law or otherwise; as also that all and every Conveyance, Lease, Mortgage, or other Writings, touching Land in this Island, made beyond Sea, shall be held ineffectual to all Intents and Purposes, and shall not be allowed to be pleaded in any of the Courts of this Island, until all and every such Writings shall be recorded in the said Register's Office, in such Manner and Form as other Deeds and Writings made in the said Office shall be entered and recorded.

V. And if it should come to pass that Recovery of any Lands shall be made in any of the Courts of this Island by one Person from another, or that any Person shall by Will bequeath any of his Lands, the Party so recovering Lands, or to whom such Lands shall be bequeathed, or any Lands by any other Ways descended, shall bring Certificate thereof out of the Secretary's Office to the Register, who shall enter the same upon Account of him to whom it appertains, according to the Purport of the said Certificate, from and after which Entry all and every the Titles so entered shall be pleadable, and allowed to be pleaded in all and every the Courts of this Island, and not before; any Custom, Statute, or Usage to the contrary notwithstanding in this Island heretofore made or used.

Dated at Antigua the thirteenth Day of April, Anno Domino one thousand six hundred sixty-eight, 20. CAROLI Regis secundi.

WILLIAM WILLOUGHBY.

THOMAS COMPTON, Speaker to the Assembly.

FRANCIS SAMPSON, Secretary.

No. 6. An Act for the Settlement of the Custom or Duty of Four and a Half per Cent.

WHEREAS by reason of the late unhappy War which arose betwixt His Royal Majesty Charles the Second, King of Great Britain, France, and Ireland, &c. and the Most Christian King in France, as well as the States General of the United Netherlands, several of His Majesty

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No. 6.

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Majesty of Great Britain his Territories on this side the Tropick, became subject (through Conquest) unto the said French King and his Subjects, and amongst others this Island of *Antigua* also was so subdued by *Monsieur de Labarr*, Lieutenant General by Sea and Land to the said French King, being assisted by the Cannibal *Indians*, by means whereof all the Lands within this Island became forfeited unto His Majesty, &c. as by an Act of this Country, bearing Date the tenth Day of *April* last past (reference being thereunto had) may more at large appear.

The Act adverted to (No. 1) is obsolete.

II. Know ye that for and in Consideration of new Grants and Confirmation of our said Lands under the Great Seal appointed for *Barbadoes*, and the rest of the *Caribbee* Islands, by his Excellency *William Lord Willoughby of Parham*, &c. We do give and grant to His said Majesty, His Heirs, and Successors for ever, and most humbly desire Your Excellency to accept these our Grants, and we do humbly pray Your Excellency that it may be enacted, and be it enacted by his Excellency *William Lord Willoughby of Parham*, Captain General, and Chief Governor of *Barbadoes*, and the rest of the *Caribbee* Islands, and by and with the Advice and Consent of the Council and Gentlemen of the Assembly, Representatives of this Island, and by the Authority of the same, That an Impost or Custom be, from and after the Publication hereof, raised upon the Native Commodities of this Island, after the Proportion, and in Manner and Form as is hereafter set down and appointed (that is to say) upon all Commodities of the Growth or Production of this Island that shall be shipped off the same, shall be paid to our Sovereign Lord the King, His Heirs, and Successors for ever, Four and a Half in Specie for every Five-Score.

Produce of the Island, on being shipped, for Exportation to, pay 4½ per Cent.

III. And be it further enacted and declared by the Authority aforesaid, That if any Goods before mentioned, on which the said Duty is imposed and due by this Act, shall at any Time hereafter be shipped or put into any Boat or Vessel, the said Impost due for the same not paid, compounded for, or lawfully tendered to the Collectors thereof, or their Deputies, or not having agreed with the Commissioners, for that Purpose to be appointed, or their Deputies, for the same, according to the true Intent and Meaning of the said Act, that then and from thenceforth all the said Goods shall be forfeited, the one Moiety thereof to our Sovereign Lord the King, and the other to him that shall inform, seize, or sue for the same in any Court of Record within this Island; which Grants are left to Your Excellency's own way of levying, in full Consideration and Assurance

Goods shipped before Duty paid, to be forfeited;

Duty to be collected as the Governor shall

20th CHAR. II.

Nis. 6, 7.

A. D. 1668.

shall direct,
but without
Charge.

The Rights of
King and Go-
vernor saved.

ance that Your Excellency will take such Course for the collecting and gathering the said Impost without any Charge, Duty or Fees, as may be most for the Ease of the People of this Island.

IV. Provided nevertheless, That this Act, nor any Thing therein contained, shall extend or be construed to bar His Majesty or his said Excellency, from his or their Rights to any Incroachments made upon the Sea; nor this Act, nor any Thing therein contained, shall extend to bar His said Majesty from any Matter, Cause, or Thing due or belonging, or that shall become due or belonging to His Crown and Dignity; any Thing in this Act contained to the contrary in any wise notwithstanding.

Dated in *Antigua* the nineteenth Day of *May*, in the twentieth Year of the Reign of our Sovereign Lord CHARLES the Second, King of *England*, &c. *Anno Domini* one thousand six hundred sixty-eight.

WILLIAM WILLOUGHBY.

THOMAS COMPTON, *Speaker to the Assembly*.

FRANCIS SAMPSON, *Secretary*.

No. 7.

An Act against Swearing, Cursing, and Drunkenness.

PREAMBLE.

FORASMUCH as the detestable Sins of profane Swearing and Cursing, commonly used in this Island, notwithstanding they are strictly forbidden by the Word of God, and have been lately punished by God's Wrath, whereby it may undoubtedly be feared, that without his Mercy, and a speedy Reformation, these crying Sins may justly draw down his severe Judgments upon our Heads:

Penalty on
Persons con-
victed of pro-
fane Swearing.

II. Be it therefore ordained and enacted, and it is hereby ordained and enacted by the Authority aforesaid, That no Person or Persons shall from henceforth profanely swear or curse, and that if any Person or Persons shall at any Time or Times hereafter offend herein, either in the hearing of Justice of Peace of this Island, or shall hereafter be convicted by the Oaths of two Witnesses at the least, or Confession before some Magistrate, that then every such Offender or Offenders shall, for every Time so offending, forfeit or pay ten Pounds of Sugar or Tobacco for every Oath or Curse, the which shall be doubled as his Oaths and Curses are doubled after his first Conviction; and it shall be lawful for the Constable or Overseers of the Poor of any Di-

to be doubled
each subse-
quent Offence

vision

20th CHAR. II.

No. 7.

A. D. 1668.

vision within this Colony, by Warrant from any Justice of the Peace, to levy the same Forfeit for the Use of the Poor, by Distress and Sale of the Offender's Goods, rendering to the Party the Overplus; and for Want of Payment or sufficient Distress, the Offender, if he or she be above the Age or twelve Years, shall, by Warrant from such Justice of Peace, be set in the Stocks by the Space of three whole Hours, but for every other Offence after the first Conviction, for six Hours; but if the Offender be under the Age of twelve Years, and shall not pay the Forfeiture forthwith, that then he or she, by Warrant from such Justice of the Peace, shall be whipped by the Constable, or by the Parent or Master in his Presence.

III. Provided nevertheless, That every Offence against the Law shall be complained of, and proved, as aforesaid, within twenty Days after the Offence committed.

IV. And whereas also the loathsome and odious Sin of Drunkenness is notoriously grown into common Use within this Island, being the Root and Foundation of many other abominable Sins, as Bloodshed, Stabbing, Murder, Fornication, Swearing, Adultery, Sabbath-breaking, and such like, to the great Dishonour of God, of this Island, the overthrowing of Arts, and disabling diverse Workmen, and the general impoverishing of many good People, abusively wasting the good Creatures of God:

V. Be it therefore ordained and enacted, and it is hereby ordained and enacted by the Authority aforesaid, That all and every Person or Persons, which from and after Publication hereof shall be drunk, and of the Sin of Drunkenness shall be convicted, either in the View of any Justice of the Peace of this Island, or his own Confession, or by such Evidence as aforesaid, shall, for every such Offence, forfeit and lose fifty Pounds of Sugar, to be doubled after the first Conviction, to be paid within eight Days after his, her, or their Conviction thereof, to the Constable of the Division where the Offence shall be committed, who shall be accountable to the Overseers of the Poor for the same; and if any Person so convicted shall refuse or neglect to pay the said Forfeiture as aforesaid, that then the same shall be from Time to Time levied on the Goods of such Person or Persons so refusing and neglecting to pay the same, by Warrant from any Justice before whom the said Conviction shall be; and if the Offender or Offenders shall not be able to pay the said Sum of fifty Pounds of Sugar, then the Offender or Offenders shall sit in the Stocks four Hours for the first Offence, and eight Hours for the second Offence after the first Conviction.

Penalty to be levied by Distress, for the Use of the Poor.

Offenders above 12 Years of Age unable to pay Penalty, to be set in the Stocks.

Offenders under 12 Years not paying Penalty to be whipped.

Complaint and Proof to be in 20 Days.

RECITAL.

Prevalence and ill Effects of Drunkenness.

Penalty on Persons convicted of Drunkenness.

On Default of Payment, to be levied on the Goods.

If no Distress, Offender to be put in the Stocks four Hours, &c.

VI.

20th CHAR. II.

Nis. 7—9.

A. D. 1668.

Constable not
executing Pu-
nishment or
Levy, to forfeit
100lb. of Su-
gar to the Poor;

to be levied by
Distress.

Prosecution
for Drunken-
ness not to be
instituted after
six Months.

Act to be read
at the Head of
each Compa-
ny every six
Months.

VI. And it is further enacted by the Authority aforesaid, That if any Constable of the Division wherein the Offence shall be committed, to whom it shall be given in Charge by Warrant from any Justice of the Peace, do neglect or refuse the due Correction of the said Offender, or the due levying of the said Penalty, when Distress may be had, then every Constable so offending shall forfeit one hundred Pounds of Sugar to the Use of the Poor aforesaid, to be levied by way of Distress by the Marshal by Warrant from the Governor, which shall be paid to and for the Use aforesaid.

VII. Provided also, That no Person or Persons shall be impeached, punished, or molested for his Drunkenness, unless he shall be for the same Offence presented, indicted, or convicted within six Months after such Offence committed.

VIII. And it is further enacted, That this Act shall be published at the Head of every Company every six Months; any Thing to the contrary notwithstanding.

Dated in *Antigua* the nineteenth Day of *May*, in the twentieth Year of the Reign of our Sovereign Lord CHARLES, &c. one thousand six hundred sixty-eight.

HENRY WILLOUGHBY.

THOMAS COMPTON, *Speaker to the Assembly.*FRANCIS SAMPSON, *Secretary.*

No. 8.
OBSOLETE.

An Act for the due Observation of the Exercise of the Discipline of War in this Island, and for the preventing the unnecessary Wasting of Powder.

Dated 19th May, 1668.

No. 9.
OBSOLETE.

An Act for raising a Publick Treasury.

Dated 15th September, 1668.

21st CHAR. II.

Nis. 10—15.

A. D. 1669.

An Act explaining an Act intituled, An Act for the encouraging and promoting the Settling of this Island. No. 10.
OBSOLETE.
Vide No. 118,
and references
ibid.

Dated 8th April, 1669.

An Act for the bringing all Tobacco of the Growth of this Island into Public Storehouses. No. 11.
REPEALED
15th July,
1679, (No. 51.)

Dated 8th April, 1669.

An Act for enlarging and keeping clean the Highways. No. 12.
REPEALED
15th July,
1679, (No. 51.)

Dated 8th April, 1669.

An Act for extending Lands and Goods for Debts or Fines. No. 13.
OBSOLETE.

St. Johns, dated 28th October, 1669.

An Act against Assignment of Bills without the Debtor's Consent. No. 14.
REPEALED
15th July,
1679, (No. 51.)

St. Johns, dated 28th October, 1669.

An Act for Public Recompense to the Masters of Slaves put to Death by Law. No. 15.
REPEALED
24th May,
1680 (the Act
repealing is
obsolete.)

Dated 28th October, 1669.

21st CHAR. II.

Nis. 16, 17.

A. D. 1669.

No. 16.
OBSOLETE.*An Act stating Servants' Time, Wages, Provisions, Apparel, &c.*

Recorded 28th October, 1669.

No. 17.

Act of 23d Oc-
tober, 1773
(No. 851) ex-
tends addi-
tional Precau-
tions over
small Vessels.*An Act declaring the Duty of all Masters of Ships or small Vessels trading to this Island, and for the careful looking after their Vessels whilst they stay, and for the Prevention of Fugitives and Transportation without Tickets.*

PREAMBLE.

WHEREAS Merchants trading to this Island do freely Credit the Inhabitants thereof with their Commodities imported, out of an Assurance, that according to the Custom of this and all other His Majesty's Islands, none ought to depart without publishing their Names, and receiving their Tickets:

Recites the de-
parture of Per-
sons without
Tickets to the
Injury of their
Creditors.

II. And whereas several have, and hereafter may cheat and defraud their Creditors by running off this Island without Tickets, or stealing away Vessels or Boats that are carelessly looked after, unless prevented by some restraining Act:

ACT.
Masters of
Vessels arriv-
ing, to procure
Licence to
Trade;

III. Be it therefore ordained and enacted, and it is ordained and enacted, by the Authority aforesaid, That all and every Master of great and small Ship, Vessel, Barque, or Sloop, that shall arrive in any of the Bays, Roads, or Harbours of this Island, or stop and stay here, shall, immediately after his or their casting Anchor, repair to the Governor for the Time being for a Licence and Permission to trade, which being granted, he shall immediately enter into the accustomed Bond of two Thousand Pounds Sterling in the Secretary's Office, not to carry off any Person whatsoever without a Ticket from the Governor.

and give Bond
in 2000^l. not
to carry off
Persons with-
out Tickets.Persons in-
tending to de-
part to give 14
Days Notice,
(or Security
for Payment
of their Debts;)
if not opposed,
to have Tick-
ets.To prevent
malicious op-
position, al-
leged Credi-
tor

IV. And for due and orderly taking out thereof, it is further ordained and enacted, by the Authority aforesaid, That all and every Person intending to depart this Colony, shall set up and publish his Name fourteen Days in the Secretary's Office before he shall have his Ticket, or else give in very good Security in the said Office for the Payment of all his just Debts, either of which being performed, and no Underwriting within the fourteen Days, his Ticket shall not be denied him. And that no Man shall be stopped or detained upon malicious and frivolous Pretences, no Underwriting shall be good till

21st CHAR. II.

Nis. 17, 18.

A. D. 1669.

till the pretended Creditor shall enter into Bond of thirty thousand Pounds of Sugar or Tobacco to make good his Underwriting.

tor give Bond
in 30,000 lb.
of Produce.

V. And it is further ordained and enacted, by the Authority aforesaid, That whatsoever Person or Persons, inhabiting or residing upon this Island, or hither trading, shall keep any Boat or Boats, Canoe, Periagoe, or any Vessel whatsoever (the said Vessel being in any Road, Harbour, or Creek of this Island), the Owner or Owners thereof shall, during the Time of her being there, keep the Masts, Oars, Sails, Rudder, and Paddels, to the said Boat or Vessel belonging, if it be of small Burthen, at his or their own House, or some other secure Place on Shore, and also secure the Boat with a Lock and Chain; but if so great a Burthen that these Things cannot with Conveniency be landed, then the said Owner or Owners shall cause good Watch continually to be kept on Board.

Inhabitants
and Traders
keeping Boats,
&c. to bring
Masts, &c. on
Shore, and
lock and chain
their Boats.

Where Instru-
ments of Na-
vigation can-
not be moved,
Watch to be
set.

VI. And it is further ordained and enacted, by the Authority aforesaid, That if any Person or Persons inhabiting, residing, or being on this Island, shall make Escape or run away with any such Boat or Vessel, through the Neglect of securing, as aforesaid, if the Person or Persons escaping, being free, the Owner or Master of such Vessel or Boat, shall satisfy and pay the Debt of the Person or Persons so escaping, and make good what Damage soever shall be sustained by any Inhabitant of this Island by reason of the said Escape; but if the Person or Persons be Servants or Slaves, then the Owner or Master shall make good double Damages, to the Owner of such Servants or Slaves so escaping or running off; the which Damages are to be recovered in the Courts Judicatory of this Island by Virtue of this Statute.

If Escape is
made in Boat
not secured,
Owner or Ma-
ster to pay Da-
mages.

Damages re-
coverable in
the Courts of
the Island.

HENRY WILLOUGHBY.

JEREMIAH WATKINS, *Speaker.*FRANCIS ST. JOHNS, *Secretary.*

Recorded 28th October, 1669.

An Act declaring at what Prices Spanish Money shall pass
in Payment between Person and Person in this Island.

No. 18.
OBSOLETE.

Dated 14th August, 1672.

An

No. 19. *An Act for the Relief of such as shall lose, or have Negroes and Slaves maimed, in the Service of the Country.*

*Vide No. 78
and No. 507.*

PREAMBLE.

WHEREAS several Negroes and Slaves belonging to several Persons in this Island may be commanded upon several emergent Occasions in the Service of the Country, whereby they may lose their Life or Limbs, to the great Damage or Loss of their Owner :

Owners to be paid for Negroes killed or hurt in the Public Service. See Act of 13 Feb. 1689, [No. 78.]

Valuation by two Arbitrators appointed by the Governor.

II. It is therefore ordained, established, and enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all and every such Negro or Slave that shall be so killed or maimed in the Service of the Country, and that shall be thereupon commanded, by the Authority of the same, shall be paid for and satisfied, unto the Master or Owner of such Negro or Slave that shall be so killed or maimed, out of the Publick Treasure, according to the Valuation of two indifferent Persons, to be appointed by the Governor.

Dated the 14th Day of *August*, Anno Domini one thousand six hundred seventy-two.

PHILIP WARNER.

SAMUEL IRISH, *Speaker.*

No. 20.
OBSOLETE.

An Act concerning Alehouse-keepers.

Dated 14th *August*, 1672.

No. 21. *An Act for the confirming all Marriages had and solemnized by any Justice of the Peace, or other Magistrate within this Island.*

PREAMBLE.

WHEREAS the late Necessity of this Island, for want of Orthodox Ministers, hath been such, that divers Marriages have been had and solemnized, by Virtue or Colour of certain Orders of the Governor and Council, in some other Manner than hath been formerly used and accustomed : Now, for the avoiding and preventing of all Doubts and Questions touching the same :

II.

24th CHAR. II.

Nis. 21, 22.

A. D. 1672.

II. It is therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all Marriages had and solemnized in this Island by and before any Justice of Peace, or any one of the Council of this Island for the Time being, or hereafter, shall be had and solemnized according to the Direction or true Intent of any Order of the Governor and Council for the Time being, or reputed Order, as aforesaid, shall be adjudged, esteemed, and taken to be, and to have been of the same, and no other Force and Effect, as if such Marriage had been had and solemnized by an Orthodox Minister, according to the Rights and Ceremonies established or used in the Church or Kingdom of *England*; any Law, Custom, or Usage to the contrary thereof notwithstanding.

Act.
Marriages solemnized by Justice of Peace, &c. as good as if by Minister:

III. Provided always, That this Act nor any Thing therein contained, shall not extend to authorize or confirm any Marriages had or solemnized by any other than an Orthodox Minister, after the Arrival of any such Minister, as aforesaid, he being beneficed in this Island.

Except beneficed Clergyman be on the Island.

IV. And be it further enacted by the Authority aforesaid, That if any shall hereafter be sued in any of the Courts of Common Law of this Island, and Issue shall be joined upon the Points of Bastardy or Lawfulness of Marriages, for or concerning the Marriages had and solemnized as aforesaid, the same Issues shall be tried by a Jury of twelve Men, according to the Course of Trial of other Issues triable at the Common Law, and not otherwise; any Law, Statute, or Usage to the contrary hereof in any wise notwithstanding.

Litigations respecting Bastardy and Lawfulness of Marriage to be settled by Jury.

Dated the fourteenth Day of *August*, one thousand six hundred seventy-two.

PHILIP WARNER.

SAMUEL IRISH, *Speaker*.

An Act for the preventing and punishing of those who shall wilfully burn and fire any Canes.

No. 22.

FORASMUCH as diverse Inconveniencies and very great Damages may happen to the Inhabitants of this Colony by many idle, wandering, and ill disposed Persons, who make it a common Use and Practice to wander, and with lighted Torches to go on Crabbing in and about the Plantations of several Persons where Sugar Canes

PREAMBLE.

are

are growing, which may prove the Ruin of the Owners of such Plantations by firing the same :

ACT.
Persons convicted, on the Oath of one Witness, of smoking or carrying lighted Torches among Sugar Canes, to forfeit 1,000 lb. of Tobacco or Sugar, to be levied by Distress.

II. Be it therefore ordained and enacted by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person or Persons whatsoever shall, from and after the Publication of this Act, be taken or known, either by Day or by Night, to carry Fire or lighted Torches, or to smoke Tobacco in any Sugar Canes, belonging to any Person or Inhabitant of this Island, or to carry such Fire, Torch, or smoke Tobacco near such Canes, by going a Crabbing in and about the Barricadoes of any Plantation in this Island where such Canes are growing, or otherwise, out of the common Roads, that then every Person so offending (the Fact being proved by the Oath of one Witness, before any Justice of the Peace in this Island) shall pay to the Publick Treasury of this Island, by way of Fine, the Sum of one thousand Pounds of Tobacco or Sugar, to be levied by way of Distress upon his Goods and Chattels, by Warrant from the Governor for the Time being to the Provost Marshal of this Island.

Servants or Slaves offending to be whipped, unless the Master pay Fine.

III. And if any Person or Persons so offending shall, at the committing such Offence, be a Servant or Slave, that then the Owner of such Plantation where such Offence is committed, or any other Person by him imployed for the Purpose, shall bring such Servant or Servants, Slave or Slaves before the next Justice of Peace, who shall by Virtue of this Act, upon the Oath of one Witness, cause the said Offender or Offenders to be publicly whipped, according to the Discretion of such Justice of Peace, except such Master or Owner of such Servant or Servants, Slave or Slaves, will redeem such Punishment by paying the Mulet aforesaid.

Christian Servant offending and escaping, on Complaint of his Master, to be summoned before Justice: but Slave to be delivered up for Punishment, &c.

IV. And if any Servant or Servants, Slave or Slaves so offending, shall upon the committing such Offence make his Escape by running away from their Master or Owner of any such Plantation where such Offence is committed, or from any Person by him or them imployed, that then such Master, Owner, or Imployer shall make his or their Complaint to the next Justice of the Peace, who shall by his Warrant summon such Offender or Offenders before him, if he or they be Christian Servant or Servants; but if a Slave or Slaves, then, upon Complaint made as aforesaid, the said Justice shall issue out his Warrant to the Master or Owner of such Slave or Slaves, thereby commanding him or them to deliver up such Slave or Slaves, to receive his or their due and deserved Punishment, upon the Penalty of forfeiting the Mulet aforesaid.

24th CHAR. II.

Nis. 22—24.

A. D. 1672.

V. And it is further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall, by travelling in the Highways or Roads of this Island with Fire, lighted Torches, or smoaking Tobacco, or otherwise, enter into the standing Sugar Canes, or wandering, or go a crabbing in the Barricadoes or Plantations of any Person or Persons whatsoever in this Island, with Fire, lighted Torches, or lighted Pipes of Tobacco, where such Canes are growing, and shall wilfully or carelessly fire the same, that such Offender or Offenders shall, upon the Fact proved by two sufficient Witnesses, suffer Death as a Felon; any Law, Usage, or Custom heretofore used or made to the contrary in any wise notwithstanding.

Wilful or careless burning Sugar Canes, proved by two Witnesses, Felony and to be punished by Death.

Dated the fourteenth Day of *August*, one thousand six hundred seventy two.

PHILIP WARNER.

SAMUEL IRISH, *Speaker*.

An Act concerning those that remove from one Division to another without Ticket from the Commander of the Division.

No. 23.
OBSOLETE.

No Date.

An Act against indebted Run-aways suing for their Credit by Attorneys.

No. 24.

WHEREAS diverse indebted Persons, by Attorneys, have, to the great Prejudice of their Creditors, fled from this Island, and since sought to recover by Attorneys to the Use of other Men what is any way owing to them in this Island, and fraudulently convert it to their own and other Uses, to the utter defrauding of their Creditors:

PREAMBLE.

II. Be it therefore enacted, ordered, and established by the Authority aforesaid, That no Person or Persons whatsoever, that heretofore have or hereafter shall depart this Island, without publishing their Names and taking out their Tickets, according to the Laws and Customs thereof, shall, after the Publication hereof, sue and recover in the Courts of this Island any Debts due unto them by Bills, Bonds,

No Debtor going off without Ticket shall recover Debts unless he gives Security to pay his Creditors.

No DATE.

Nis. 24—27.

Bonds, Specialties, Accounts, or otherwise, by virtue of any Letter of Attorney or Assignment, except the Attorney or Assigns, suing for such Debt or Debts, will put sufficient Caution into the Court to be answerable and make Satisfaction for the Debtors, Creditor or Creditors of the said Fugitive, for whatsoever shall be demanded or proved due by the said Fugitive or Fugitives, or any of them.

No Date.

No. 25.
OBSOLETE.

An Act appointing the Proportion of Ammunition to be kept in private-Houses.

No Date.

No. 26.
OBSOLETE.

An Act against transporting of Timber without Licence.

No Date.

No. 27.

An Act touching the Principal Surveyor or Surveyors of this Island, their Fees and Duty.

No Surveyors to practise unless admitted by the Governor, and sworn.

Returns or Certificates by unauthorised Surveyors not good.

IT is enacted by the Governor, Council, and Assembly of this Island, and by the Authority of the same, That no Person or Persons whatsoever shall survey, measure, or lay out any Lands upon this Island, rough or fallen, but only such Person or Persons as are or shall be admitted into the said Office and Imploy, and therein established and sworn by the Governor of this Island for the Time being; nor that any Returns or Certificates of Lands measured or laid out by any other Person or Persons than the said Surveyor or Surveyors admitted and sworn as aforesaid, shall be filed or recorded within the said Office of this Island, nor pleaded in the Courts thereof in Trials of Court, or otherwise, but only such as are returned and attested under the Hand or Hands of the Surveyor or Surveyors admitted and sworn as aforesaid.

II. And it is further ordained and enacted, as aforesaid, That the said sworn Surveyor or Surveyors shall have and receive from the Person or Persons, for whom they or any of them shall admeasure and lay

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61

Nis. 27, 28.

No DATE.

lay out any Parcel or Parcels of Lands, as their just and due Salary, Fees in Manner following, *vizt.* For each Parcel of fifty Acres or under, the Quantity of one hundred Pounds of good Tobacco or Sugar; for every Parcel from fifty Acres to five hundred, two Pounds of good Tobacco or Sugar for each Acre; and for every and each Parcel from five hundred Acres and upwards, one Pound and half of good Tobacco or Sugar for each Acre, and shall be found and allowed by their and every of their Employers, for and during the Time of their Service and Employ upon the Lands, or in the Service of the Person employing, sufficient and competent Meat and Drink, and also a competent Number of able Hands, and sufficient Labourers to clear and run out the Lines and Bounds before them.

Surveyor's
Fees for 50
Acres or un-
der, 100lb. of
Produce, &c.

In addition to
Fees, to be al-
lowed Meat
and Drink,
and able
Hands to assist.

III. And it is further ordered and enacted, That the Surveyor or Surveyors shall not only deliver unto every Man, under his Hand or their Hands, a true Description of his own Lands, both by Words and Demonstration in Writing, but shall deliver the like, in like Manner firmed and attested, into the Register's Office of this Island, there to be filed and kept upon Record, and shall record the said Returns with the perfected Descriptions and Demonstrations of all Lands, and Plantations, both old and new, that they have laid out or shall lay out, in one Book or more, to be kept jointly and severally by them, or some or either of them, attested, and all the several Particular Lands, and Plantations so by them laid out, shall, at convenient Times, draw and compile together according to Art in one plain Card or Map, which, as the Lands of this Island shall be all surveyed, laid out, and particularly appropriated, may be also perfected and finished; of which General-Cards or Maps so perfected and finished, the said Surveyor or Surveyors for the Time being shall deliver two perfect Copies at the least, attested under his or their Hands, the one to remain among the Records of this Island, and the other to the Governor thereof for the Time being.

To deliver one
Copy of Sur-
vey to Party,
and file an-
other in Re-
gister's Office.

And keep a
third Copy in
a Book.

All Lands laid
out to be pro-
gressively laid
down in Gene-
ral-Map; two
Copies of each
General-Map
to be drawn,
one for Go-
vernor, and
one for Regi-
ster.

No Date.

An Act against heaving Ballast or other hurtful Matter out of any Ship or Vessel within any of the Harbours or Roads of this Island.

No. 28.
OBSOLETE.

No Date.

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Nis. 29—33.

A. D. 1674.

No. 29. *An Act for the Punishment of scurrilous and reproachful Speeches or Behaviours towards the Governor and Council, Representatives or Members of the Assembly of this Island.*

OBSOLETE.

No Date.

No. 30. *An Act for the better regulating and governing the Militia of this Island.*

REPEALED
by Act of 28th
June, 1702,
(No. 131,) Sect.
21.

Dated 28th January, 1674.

No. 31. *An Act for encouraging the Royal Company in England for the supplying this Island with Negroes.*

OBSOLETE.

Dated 3d May, 1675.

No. 32. *An Act for the appointing certain Places for the Payment of Goods into the Publick Treasury.*

REPEALED
by Act of 15th
July, 1679,
(No. 51,) No.
51 is itself ob-
solete.

No Date.

ANTIGUA. At a Meeting held at the Old Road, the 16th of September, 1675, was enacted.

No. 33. *An Act for the settling and appointing of several Towns within this Island for the better Encouragement of Trade.*

RECITAL of a
former Act.
Such former
Act (by a very
old Misar-
rangement,
numbered 35)
is repealed by
Act of 15 July,
(1679, No. 51.)

WHEREAS a former Act hath been made in this Island, whereby two certain Places were appointed for all Persons whatsoever, be they Masters, Merchants, or Seamen, trading to and with this Island, or with any the Inhabitants thereof, for the bringing all and every their Goods, Wares, and Merchandizes, and Commodities

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No. 33.

A. D. 1675.

of what Nature and Kind soever (*viz.*) to the Towns of *Falmouth* and *St. Johns*, and there *bona fide* land and sell the same, also that every Ship, Sloop, or other Vessel arriving in this Island, should come to an Anchor in one of the Harbours belonging to the said two Towns, and that all such Goods, Wares, and Merchandizes, and Commodities should be sold at the said two Towns, and in no other Place within this Island, with several other Clauses and Provisoos in the said Act contained relating to the Trade General of this Island.

II. And forasmuch as the Governor, Council, and Assembly of this Island have seriously and maturely considered of and debated the Matter of Trade, and of such Traders that shall at any Time hereafter arrive in this Island, as also concerning the Inhabitants of the same, therefore having great regard to the Benefit of this Island, and the well ordering and settling a commodious and beneficial way of Trade, as well for Strangers as Inhabitants, a Matter as well commendable as usual in all well governed Countries and Colonies :

III. Be it therefore ordained and enacted by the Governor, Council, and Assembly, and by the Authority of the same, That an Addition of four Places to erect Towns in, and for Trade and Traffick, as in the two other Places of *Falmouth* and *St. Johns*, *viz.* *Bridge Town* in *Willoughby Bay*, *Carlisle Road*, and *Parham* landing Place in *North Sound*, and *Bermudian Valley*, be and are hereby appointed and ordained to be the Places of Trade and Traffick within this Island, and that the said six Towns or Places of Trade, *viz.* *Falmouth*, *St. Johns*, *Bridge Town*, *Carlisle Road*, *Parham* landing Place in *North Sound*, and *Bermudian Valley*, are hereby appointed to be the Places of Trade within this Island, and no other.

Four places of Traffick added to *Falmouth* and *St. Johns*, *viz.* *Bridge Town*, *Carlisle Road*, *Parham* landing Place in *North Sound*, and *Bermudian Valley*.

IV. Provided always, That this Act nor any Thing therein contained shall extend to the debarring and restraining of any Inhabitant, that is a Freeholder, from selling and disposing of any Goods and Merchandizes of any Kind whatsoever, at any other Place or Places within this Island, that are *bona fide*, and without fraud, their own, and brought thither from some other Part to or for them, or any of them, and not belonging to any other, and not such as shall be bought within this Island to sell again, but that all such as shall be bought by any Inhabitant to sell again for Advantage, shall be sold in one of the Towns or Places of Trade abovementioned ; and the said Matter to be cleared by the Oath of the Party concerned, if thereunto required.

Freeholders not restrained from selling at any other Place personal Goods, in which they do not deal for Advantage :

V. And be it, and it is hereby enacted by the Authority aforesaid, That all Persons whatsoever, be they Masters, Merchants, Traders, Seamen,

the Party to make Oath as to the Matter, if required.

All Traders to bring Goods for Sale to one of

of the six appointed Places.

Seamen, or others, trading to and with this Island or the Inhabitants thereof, shall, from and after the first Day of *November* next ensuing, bring all and every their Goods and Merchandizes, Wares, Commodities whatsoever, to some of the six Places, viz. *Falmouth*, *St. Johns*, *Bridge Town*, *Carlisle Road*, *Parham* landing Place in *North Sound*, and *Bermudian Valley*, and there, *bona fide*, land and put on Shere, and there sell and dispose the same, and at no other Place within this Island on any Pretence whatsoever, except before excepted.

Goods sold, or landed for Sale, at any other Place, to be forfeited; one Moiety to Informer, one to the Public.

Ships trading to the Island to anchor in one of the 6 Places; and Masters to enter Ships in the Naval Office.

RECITAL, that public Storehouses for Tobacco, had been found inconvenient.

VI. And if in case any Person or Persons whatsoever, from and after the said first Day of *November*, presume, either in Ship, Sloop, Boat, or otherwise, to sell or land for Sale in any other Place, (save those six Places that are before in and by this Act ordered, appointed, and named, within this Island) Wares or any Merchandizes of what kind soever, shall, for such their Offence, forfeit all such Goods, Wares, and Merchandizes so landed or sold, or the Produce thereof, one Moiety thereof to any that shall inform or sue for the same in any of the Courts of this Island, and the other Moiety to the Use of the Country, wherein no Protection or Wager of Law shall be allowed; and that all and every Ship, Sloop, or other Vessel arriving in this Island, shall come to an Anchor in one of the Harbours or Roads belonging to the six Towns or Places aforesaid, and the Masters of every Ship, Sloop, or other Vessel arriving as aforesaid, shall due Entry make of such their Ships, Sloops, or Vessels in the Naval Office of this Island, wheresoever the same shall be kept.

VII. And forasmuch as several Acts have heretofore been past and made in this Island, for the bringing all such Tobacco as should be made by any the Inhabitants of this Island, except in the said Act excepted, into publick Storehouses appointed in each Division of this Island, a Matter very well intended for the Ease of the Inhabitants, as well as Merchants and other Traders here; but Time, the Declarer of Truth, and Discoverer of Error in Matters of Rule and Government, hath satisfied all that study in the Welfare of this Colony, that the many Abuses of Storehouse Keepers, their deceitful making up Tobacco, and the many other Inconveniencies that thereby have occurred, hath given great Cause to many Traders, Merchants, and Strangers, to make heavy Complaints of their ill Usage in this Place, and therein reflecting much upon the Government and Authority of the same, because the said Storehouses were by Law set up and maintained, upon Consideration thereof, had by the Governor and

27th CHAR. II.

No. 33.

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and Council of this Island, the eighth Day of *July* last, they wholly suspended any further Use of Publick Storehouses within this Island, and therefore to prevent all Inconveniencies that may hereafter happen through such indirect Dealings.

VIII. Be it and it is hereby enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the further Use and Exercises of Publick Storehouses, and Storehouse Keepers, for the Use aforesaid, be and are hereby declared to be wholly suspended, and not of further Use for the Publick; but that all Payments whatsoever that shall fall due and payable, from and after the said first Day of *November* next, to any Merchants, Traders, or other Persons whatsoever, shall be made at one of the six Towns, or Places of Trade, before in this Act mentioned, be it either Tobacco, Sugar, Cotton, or any other Commodities of the Growth of this Island, and in no other Place.

Such Use of Publick Storehouses to cease.

After 1 Nov. 1675, all Payments to be only at one of the six Places.

IX. Provided always, and it is the true Intent and Meaning of this Act, That this Act, nor any Thing therein contained, shall not tend to, or make void, any Contract or Bargain that shall at any Time be made between the Inhabitants of this Island and any Merchant, Factor, Trader, or other Person, concerning the Payment of Goods of the Growth of this Island, but that according to such Contracts and Bargains, it may be lawful for any the Inhabitants of this Island, and for any Merchant, Trader, Factor, or other Person, to receive any Goods of the Growth of this Island, at any other Place within this Island, according to such Contracts and Bargains.

Not to affect Bargains for Commodities the Growth of the Island; which may be delivered any where in the Island.

X. And whereas that in and by this Act, all Merchants, Traders, and Strangers, are obliged and constrained to come to the Towns and Places of Trade, in and by this Act appointed, there is a Necessity that all Ways and Means requisite be used, for the erecting and building of Storehouses and other Houses, requisite within the said Towns and Places of Trade, for the Reception of such Merchants, Traders, and other Persons, as shall come thither to Trade, which will be the only Means to encourage such, as well to stay or to come to trade amongst us, which our own Experience tells us hath much advanced some of our Neighbouring Islands, not only in Trade, but in Peopling and Well-manning the Place; therefore, for the Encouragement of such, and to the End that the Places appointed in and by this Act, for Towns and Places, may not lie desolate and waste:

RECITAL. Necessity for Extension of the Buildings in the six Places.

XI. Be it and it is hereby further enacted by the Authority aforesaid, That all such Persons whatsoever, that shall at any Time take out any Warrants or Grants for Lands, in any of the said Towns or Places

Grants for Land not built on in six Months after Date, void.

27th CHAR. II.

Nis. 33—36.

A. D. 1675.

Places of Trade hereby appointed, and shall not, within six Months after the Date of such Warrants and Grants, erect and build Housing for the Advancement of the Place and Trade thereof; all such Warrants and Grants shall be holden, deemed, and taken, to be utterly void, as if no such Warrant or Grant had been given; any Thing in this, or any former Act, Law, Custom, or Usage, to the contrary notwithstanding.

Dated 16th September, 1675.

ROWLAND WILLIAMS.

RICHARD BORASTON, *Speaker*.

No. 34.
OBSOLETE.

An Act for the regulating of certain Clauses in an Act of this Island, intituled, An Act for extending of Lands and Goods for Debts and Mulcts.

Dated 5th January, 1675.

No. 35.
REPEALED
by Act, 15th
July, 1679.
(No. 51.)

An Act for the establishing the six Towns, or Places of Trade, within this Island, for the Encouragement of Trade and Commerce.

Dated 5th January, 1675.

No. 36.
PRIVATE.

An Act empowering and enabling Willoughby Byam, for himself and his Brother Edward, to sell and dispose of a certain Plantation at Willoughby Bay, for the better paying and discharging his Father's Debts and Legacies.

Dated 8th January, 1676.

An

27th CHAR. II.

Nis. 37, 38.

A. D. 1676.

An Act for putting the Articles of War in due Execution upon this Island, as they are in other Islands under the Government of his Excellency our Captain General.

No. 37.
OBSOLETE.
For REGULATIONS AS TO
MARTIAL
LAW, *Vid.*
Act of 30th
March, 1793.
(No. 485.) s.
45.

Dated 9th January, 1676.

An Act for the due paying, collecting, and receiving of Gunpowder due from Shipping.

No. 38.
Vid. Act of
20th July,
1773. (No.
348.)

WHEREAS no Colony can be secured of the least Security, but will lie exposed and open to the Invasion of Foreign Enemies, who may with ease conquer, subject, ruinate, and extirpate the same, unless there be a sufficient Stock and Store of Powder and other necessary Ammunition, whereby to defend itself, and maintain both its Honour and Interest: And forasmuch as it hath been formerly found by a long Experience, that the best and easiest way of continuing and replenishing the said Stores of Powder, hath been by the imposing upon all Ships, Ketches, and other Vessels who come hither to reap a Benefit by the Trade and Traffick of this Place, or to supply themselves with Wood and Water, which hath been put in Practice not only in this but in all the *Caribbee* Islands ever since the first Settling of them; yet nevertheless the same hath proved of little Benefit of late in this Island, in regard it hath not been duly and exactly collected and received, or that the Masters or Commanders of such Ships or Ketches, &c. have not made due Entry of their Burthen and Tonnage of the said Ships, Ketches, &c. which, if an early and strict Care be not taken timely to prevent for the future, our Store of Powder will soon be exhausted and spent, and we left and exposed not only to the Invasion of Christian Enemies, but to the Rapine and bloody Cruelty of our everlasting Enemies the barbarous *Caribbee Indians*.

PREAMBLE.

II. Wherefore it is ordained and enacted, and be it hereby declared, ordained, and enacted by the Governor, Council, and the Representatives of this Island, That from and after the Date of this Act, all Captains, Masters, and Merchants, and other Commanders of any that are Merchant Ships, Ketches, Sloops, or any other Vessels, which shall arrive in any the Ports, Roads, or Harbours of this Island,

ACT.
Captains of
Ships arriving
in Ports of the
Island, to pay
1 Pound of
Gunpowder
per Ton.

and shall not
be admitted to
clear till Cer-
tificate from
the Collector
of Payment of
the Powder.

Island, shall pay unto such Person or Persons as shall be appointed to collect and receive the same, one Pound of good strong well grained Powder for every *English* Ton the said Ship or Ships, Ketch or Ketches, or any other Vessel whatsoever shall be of Burthen, to trade, traffick, or by way of Barter buy or sell Wood or Water, as aforesaid; and until the same be duly and *bona fide* truly paid as aforesaid, the Captain, Master, or other Commander of such Ship, Ketch, or other Vessel shall not be admitted to clear in any of the Offices of this Island, neither shall they have Liberty to depart with his said Ship, Ketch, or other Vessel, until he shall bring Certificate from the Person or Persons appointed to receive the said Powder, that he or they have in manner aforesaid received the same; any Law, Custom, or Usage to the contrary notwithstanding.

Collector to be
appointed by
Governor; Col-
lector empow-
ered to ad-
measure Ship
not duly en-
tered.

III. And for the future preventing of Frauds and Deceits which are often made by the Masters, &c. in their Entries in the just Burthen and Tonnage of the said Ships, Ketches, or other Vessels, which shall from Time to Time arrive in this Island for the future, be it enacted and ordained, and it is hereby enacted and ordained by the Authority aforesaid, That the Governor or Governors for the Time being shall commissionate under his or their Hands and Seals an honest, able, and fit Person to collect the said Powder from Time to Time and at all Times, as Occasion shall require; who shall have Power by Virtue of this Act, in case the Entry of the Burthen of the said Ships, Ketches, or other Vessels be not duly and exactly made, to cause, by himself, or others whom he shall appoint, to make an exact Survey of the said Ship so unduly entered, which Survey shall be made upon Oath; and, if upon Return of the same, the Ship be found bigger in Burthen than her first Entry made in the Secretary's Office of this Island doth make out and manifest, that then the Captain, Master, or other Commander of the said Ship, making such false Entry, shall pay for every Ton that the said Ship is found more in Burthen than her first Entry makes out, two Pounds of good Powder for every Ton that, upon the Survey of the Ship, is found more than it appears by the first Entry made in the Secretary's Office, as aforesaid.

Penalty 2lb. of
Powder per
Ton for every
Ton not enter-
ed.

Collector to
have 10lb. per
Cent. out of
Powder re-
ceived.

IV. And for the better Encouragement of such Person or Persons, as shall be commissioned and appointed by the Governor for the Time being, to collect and receive the same, which cannot be collected without some Trouble and Charge, be it therefore enacted and ordained, by the Authority aforesaid, That the Person or Persons so commissioned, as aforesaid, shall receive to himself and to his own proper

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Nis. 38, 39.

A. D. 1676.

proper Use and Behoof, ten Pounds of Powder out of every neat Hundred Weight that he shall so duly receive.

V. Provided, That upon his giving in his Account upon Oath, when thereunto required, he offers the said Powder so allowed him, to the Governor, in behalf of the Country, at such reasonable Rates and Prices as it was sold at any Time of the Shipping being here.

which he shall sell at Current Prices to the Governor for Public Use.

Dated the ninth Day of *January*, one thousand six hundred seventy and six.

PHILIP WARNER.

RICHARD BORASTON, *Speaker*.

An Act for the establishing and confirming of Inhabitants of this Island in their Title to their Lands. No. 39.

FORASMUCH as the Estates of all Persons do most and chiefly consist of Lands granted to them, or which they may have purchased from such as may have held their Lands only by Force and Virtue of such Grants, or that it hath so happened that Lands so granted have legally descended to them : Yet, inasmuch as all such Pretences give them but a weak and insufficient Title to the same, in regard many of the Inhabitants have no Patents under any Publick Seal appointed by His Majesty, neither is it known when any such Seal will come, notwithstanding our present Captain General, *William Stapleton*, hath taken all possible Care to procure one for that Purpose, so that it is thought to be Matter of very great Concern, as well for the quieting the Minds of all His Majesty's good Subjects, that now are in the Management and Possession of any Lands upon the Island, as for the future preventing litigious Suits and Controversies, touching Lands, their Grants, Alienations, or Descents, to all such as are Planters, or may for the future come to be Freeholders upon this Island, that an Act pass for giving a firm and unquestionable Right and Title to the same :

PREAMBLE.
Difficulty of tracing the Title to Lands claimed under Patent, and Expediency of preventing Litigation.

II. Be it therefore ordained and enacted, and it is hereby enacted and ordained by the Governor, Council, and Representatives of this Island, That if any Person or Persons, Proprietor or Possessor of any Lands, Tenements, or Hereditaments within this Island, have, and shall for the future, quietly, without lawful Interruption, enjoy the same

Act.

Proprietors and Possessors of Lands enjoy them five Years quietly, to be deemed to have a good Title.

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L

same

Except against
Persons prose-
cuting their
Title within
two Years after
the Act; Mar-
ried Women,
Minors, &c.
one Year after
Removal of Dis-
ability; Persons
absent in the
King's Service,
Durance
abroad, &c.

Persons claim-
ing under new
Grants since
10th April,
1668, or Pur-
chasers from
new Grantees
to have no Ti-
tle under this
Act, further
than as they
bring on one
Slave for every
ten Acres, and
perform the
Conditions of
Cultivation
imposed by
two former
Acts, (No. 4
and 10) both
obsolete.

RECITAL.
Importance of
faithfully re-
cording Con-
veyances.

ACT.
Concealment
or Alteration
of Records,
Felony :

same severally or successively by the Space of five Years; that such Person or Persons so possessing, shall have good Right and Title to the same against all Men whatsoever, and during the Estate whereof he or they are possessed, excepting such as shall prosecute their Titles to the same within two Years after the Date of this Act; and such married Women, and Persons under the Age of twenty and one Years, and of unsound Memory, prosecuting their respective Titles, within one Year after their being unmarried, becoming of Age, and sound Memory, excepting also all such Persons as are in His Majesty's Service, or in Durance in Foreign Parts, or by any usurped Authority.

III. And be it further enacted by the Authority aforesaid, That it be the true Intent and Meaning of this Act, that all Persons who shall pretend to have any Right by the same, who have taken up Lands by new Grants from the several Governors of this Island for the Time being, since the tenth of April, one thousand six hundred sixty and eight, and shall have purchased the same, by Conveyance or other Act in Law, from them who first obtained the said Grant or Warrant, that shall have brought upon the Land one able Servant or Slave, for every ten Acres of Land, that they have so taken up as aforesaid, and that this Act, nor any Thing therein contained, shall not extend to give any Right or Title to any more Lands than what they shall have *bona fide* performed, or shall within the Time limited perform the Conditions of one Act in this Island, intituled, *An Act for the encouraging and promoting the Settling of this Island, and the explanatory Act thereupon.*

IV. And forasmuch as all Men's Titles and Pretences to any Lands upon this Island, do and will for the future depend much upon the honest and fair keeping of all Records of Bills of Sales, Conveyances, Warrants, and Grants, and the Surveyor's Return upon the same, in the Register's Office, settled by an Act of this Island for that Purpose; and that the negligent keeping the said Office, and the embezzling, losing, razing, interlining, or defacing, any Record made or to be made within the same, will, and may be of a ruinous Consequence to the Persons concerned; it is therefore, for the future preventing thereof, ordained and enacted, by the Authority aforesaid, That whosoever shall embezzle, raze, lose, interline or deface any principal Deed or Record of this Island, brought to the said Office, and be thereof

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thereof lawfully convicted, by the Verdict of twelve lawful Jurors, shall incur the Pains of Death as in case of Felony ; and that such Person or Persons, whose Estate, such Record so embezzled, razed, lost, interlined, or defaced, shall concern, shall, immediately after such Conviction, as aforesaid, have just Right to recover the Damages out of the Estate, both real and personal, of such Person as shall be in due form of Law convicted of such embezzling, razing, losing, interlining, or defacing, as aforesaid.

and Felon's
Estate liable
to Damages.

V. And forasmuch as by an Act of this Island, bearing Date the thirteenth Day of *April*, one thousand six hundred and sixty-eight, intituled, *An Act for the establishing a Register's Office in this Island*, it is provided and enacted, That all Deeds and Conveyances of, and relating to any Lands in this Island, shall be duly entered and inrolled in the said Office, and that all Conveyances and other Acts in Law relating to Land, and not registered therein, as aforesaid, shall be void, and not pleadable in any of the Courts of this Island ; but yet no Time is limited in the said Act for effecting the same, so that many Disputes may arise thereupon, to the great Disquiet and Prejudice of the Inhabitants of this Island : For Prevention whereof :

RECITAL of
old Register
Act, No. 5.

For later Laws
on registering,
Vid. Nos. 106.
198. 275.

VI. It is ordered and enacted by the Authority aforesaid, That the said Act, and every Clause therein, shall be duly followed and pursued ; and that all Persons who shall for the future set, or, by any other Act by Law, transfer their Right of any Lands, Tenements, or Hereditaments, within this Island, shall cause the Deeds and other Acts aforesaid, to be inrolled, registered, and recorded, in the said Register's Office, within twenty Days after passing the same, and that all such Deeds so passed, and not recorded in the Time aforesaid, shall be utterly void to all Intents, Constructions, and Purposes, and not pleadable in any of the Courts of this Island ; any Law, Custom, or Usage to the contrary in any wise notwithstanding. This Limitation to extend only to Such as are resident in this Island at the Time of Conveyance, and no Other.

Deeds execut-
ed in ANTI-
GUA, not re-
corded in 20
Days, void.
The enlarged
Period for re-
gistering by
Act of 3d Nov.
1698. (No.
106) Sec. 15,
is merely a pro-
visional Open-
ing for the re-
medy of Omi-
ssions at that
Time, and not
a Supersedure
of this Clause,
which is con-
firmed by Act
of 10th April,
1746 (No.
198) s. 3.

VII. And that all Conveyances, Contracts, Bargains, and Agreements, relating to any Lands or Tenements in this Island, which shall happen to be passed, conveyed, and confirmed by any Act in Law in *Europe*, shall be inrolled, registered, and recorded, in the said Office, within *one Year* after passing the same, or else shall be void and not pleadable, as aforesaid. Provided the Conveyance in *Europe* be not lost

Deeds execu-
ted in EUROPE
not recorded
in a Year,
void, except
in Case of Ac-
cident in
transmitting
them.
By Act of 28th
July

July, 1764,
(No. 270) s.
2. the Time al-
lowed for re-
gistering
Deeds execut-
ed out of AN-
TIGUA is two
Years.

RECITAL.
Inconveni-
ence of delay-
ing the Busi-
ness of the
Office.

Act.

Register or
Clerk neglect-
ing Duty, to
forfeit 500lb.
of Produce to
the King's Use,
leviable by
Distress, and
to be liable to
Damages at
the Suit of the
Person ag-
grieved.

Except the
King's Service
or Employ-
ment under
Authority oc-
casion the
Neglect. See
No. 106. sect.
7.

lost at Sea or otherwise intercepted within the said Time, which Interception or Loss to be made out by sufficient Authority, Certificates, or Evidences.

VIII. And forasmuch as great Neglect and Delays have been from Time to Time made by the Deputy Register, or the Clerks employed in the Register's Office of this Island, to the great Prejudice, Lett, and Hindrance of all such Persons as have had Occasion to inroll, record, or make Conveyance of any Lands or Tenements pursuant to the Acts and Customs of this Island, which may prove injurious if not ruinous to the People inhabiting the same, if not by an early and strict Care prevented:

IX. Be it therefore enacted and ordained by the Authority aforesaid, That if any Deputy Register, Clerk, or any other Person whatsoever, employed and intrusted to write in the said Office, shall refuse, neglect and delay to file, inroll and record any principal Deeds, or any other Act or Acts relating to the passing, confirming, transferring, or granting any Title to any Lands or Tenements upon this Island, whereby any Person or Persons concerned in the same shall or may receive any Prejudice by the Neglect and Delay aforesaid, that upon Complaint made thereof, and the said Complaint being made out by Evidence or material Circumstance, before the Governor for the Time being and two of the Council, shall for every such Offence pay five hundred Pounds of good Tobacco or Sugar, which shall be levied out of the Estate both real and personal by a Warrant from the Governor for the Time being, in the Nature of a *Fieri facias*, directed to the Provost Marshal; which Mulct of five hundred Pounds aforesaid shall be put into the common Stock, and be employed and disposed of for His Majesty's Use in Fortifications or other publick Good of this Island, and shall be also liable to answer an Action of the Case for Damages at the Common Law, at the Suit of the Person or Persons aggrieved.

X. Provided, and be it the true Intent and Meaning of this Act, That the Person so offending, as aforesaid, be not employed in the King's Service, or by the Authority of this Island employed in such other Matters as may occasion such Neglect or Delays aforesaid; any Law, Practice, Usage or Custom to the contrary notwithstanding.

XI.

27th CHAR. II.

No. 39.

A. D. 1676.

XI. And for the avoiding of further Disputes about the Titles of Land, it is hereby further declared and enacted by the Authority aforesaid, That in Actions concerning the Titles of Lands, it shall be a good Plea in Bar to such Action for the Defendant to alledge, that he and they, whose Estate he hath, have been in quiet and peaceable Possession of the said Land in Question for and during the Space of five Years, and this Plea duly entered shall bar the Plaintiff or Demandant, unless he can disprove the same, or make it appear that the said five Years' quiet Possession incurred during the Time that the said Plaintiff or Demandant was under the Age of twenty-one Years, a Woman under Coverture, or of unsound Memory, or that the Defendant or Tenant held the same as his Attorney, Tenant, Servant or Overseer, by Virtue of some particular Estate for Years, Life, or in Tail, which, at or before the Time of the Action brought, was expired.

Five Years
Possession a
good Bar.

Except against
Infants, &c.

XII. And forasmuch as all Persons are by this Act limited and appointed certain Times wherein they are to make their Claims to Lands and Tenements in this Island, but that it is not therein ascertained and appointed in what Manner, and how such Claims are to be made to Lands and Tenements, in Case the Judges of the several Courts of Law should differ or vary in Judgment and Opinion in Manner of Claim, or allow of any other Claim than is hereafter mentioned and declared: And to the Intent that the same may be ascertained, and the Possessors of the Lands and Tenements assured, how and in what Manner Persons having or laying Claim to any Lands or Tenements in their Possession, and also all Persons having Right or Title to Lands or Tenements, may for the future know how to demand and claim their Right in such Cases, and that the Judges of the respective Courts of Common-Pleas for the future may not vary therein; the Deputy Governor, Council and Assembly have thought fit to declare, and they do hereby shew and declare, that all Manner of Persons whatsoever, that are concerned to make Claims to any Lands or Tenements within this Island, so as to make their Claims effectual, are to make Claim by their Action at Law duly entered in the Offices of the Courts of that *Precinct*, where the Lands and Tenements are, according to the former Practice and Rules of the said Courts of the *Precincts*; to which Action the Tenants or Persons in Possession are to receive Summons from the said Courts; and that all Judges and Courts of Common-Pleas do allow of no other Claim to any Land or Tenement for any Person Plaintiff in any Suit or Suits before them, than what was to be made

RECITAL.
The Necessity
of fixing one
legal Mode
of making
Claims.

ACT.
Claims to be
made by Ac-
tion at Law,
and not other-
wise.
Act of 31 Dec.
1799. (No.
541) s. 2. Re-
cognises the
Abolition of
separate Pre-
cincts.

by

27th CHAR. II.

Nis. 39—41.

A. D. 1676.

by their Action on Record, and Summons given in manner aforesaid and not otherwise; any Law, Custom, Usage or Practice to the contrary notwithstanding.

RECITAL.
Practice of re-
viving Suits
every five
Years, vexa-
tious.

ACT.
Action to be
tried in five
Years after
Claim; and, if
lost, to be de-
cisive for ever.

XIII. And whereas many Persons having or pretending Right or Title to Lands or Tenements in the Possession of others, having once made their Claim within the Time limited and appointed in this Act, may for ever hereafter keep their Pretence of Right or Title to the Lands, by bringing their Action or Actions by Way of Claim at Law once in five Years, and so again in five Years, and so sue and trouble the Persons in Possession for ever: The Authority aforesaid for Prevention and Removal of so great an Inconveniency do therefore declare and enact, and it is hereby declared and enacted, That all Persons whatsoever, that shall hereafter make their Claim to any Lands or Tenements within the Time limited within this Act, do, by the said Action or some other Action, if brought in the five Years then next after, bring the same to Trial, and the same Trial to be conclusive and definitive on the Plaintiff's Part for ever, and never to bring any Action then after for the same, but to be for ever barred; any Law, Usage, Custom, or Practice to the contrary notwithstanding.

Dated the ninth Day of *January*, one thousand six hundred seventy-six.

PHILIP WARNER.

RICHARD BORASTON, *Speaker*.

No. 40.
OBSOLETE.

An Act against enticing of Servants from their Masters.

Dated 9th *January*, 1676.

No. 41.
OBSOLETE.

An Act against all such as shall embezzle away Goods under Attachment or Execution.

Dated 9th *January*, 1676.

An

27th CHAR. II.

Nis. 42—44.

A. D. 1676.

*An Act against indebted Idlers and other Persons living out
of a lawful Calling.*

No. 42.
OBSOLETE.

Dated 9th January, 1676.

*An Act for damning and making void several Titles to
Land.*

No. 43.
OBSOLETE.

Dated 9th January, 1676.

*An Act against the unlawful practising of pretended Chi-
rurgeons and Doctors.*

No. 44.

FORASMUCH as diverse Persons coming to this Island from all Parts of His Majesty's Dominions, who are necessitated to take upon them to be of some Profession or other, the better to gain a Livelihood and Subsistence; and amongst others many pretend to be Chirurgeons and Apothecaries, both which Professions none can attain to but with great Experience and Labour, Care and Study, yet under that Denomination and Title will take upon them to practise and administer both internally and externally, which, through their Ignorance and Unskilfulness, oftentimes prove fatal and destructive to the Patients; and the said Persons under that Pretence seek to evade and shun the doing of Duty, as well in many Things relating to Civil Government, as the Military Affairs of this Island; which to prevent and remedy for the future:

PREAMBLE.
Danger of suffering unqualified Medical Practitioners.

II. It is declared and enacted, and be it hereby declared and enacted, That no Person or Persons whatsoever, that now are, or which hereafter shall happen to arrive on this Island, shall take upon him or them to practise or administer Physick, either externally or internally, under no such Pretence or Title, until such Person or Persons have first been with the Governor or Governors for the Time being, and obtained a Licence to practise in this Island in the Profession aforesaid.

ACT.
None to practise Physick without Licence from the Governor.

III.

Practitioner to be examined before Governor and Council previously to receiving Licence,

or produce Certificate from Surgeon's Hall in London, &c.

Persons convicted by two Witnesses of practising without Licence shall forfeit 5000lb. Sugar for the first Offence, to be levied by Distress:

One fifth to go to Informer and four fifths to the Public.

Offender on non-payment of Penalty to suffer three Months Imprisonment, without Bail.

Persons administering Physic domestically, and Surgeons of Ships excepted from Penalty.

III. And be it further enacted by the Authority aforesaid, That the Governor that now is, nor any hereafter for the Time being, shall authorize or license any such Person or Persons to practise, as aforesaid, until he or they be examined by the Governor and Council or the major Part of them, touching his or their Skill, Knowledge, and Judgment in the said Professions, or either of them, who shall well approve and allow of the same, before such Licence and Toleration shall be granted, as aforesaid, unless the said Person or Persons so desiring Liberty to practise, shall produce a Certificate from the Surgeon's Hall in London, or a Certificate from any University, or able Physician of any of His Majesty's Kingdoms, for his being admitted and allowed of that Society and Company, and approved by them as capable of such Practice.

IV. And if any Person or Persons whatsoever shall, after Publication of this Act, practise and administer Physick, either externally or internally, to any Person of this Island, without such Licence and Toleration from the Governor upon the Examination had, as aforesaid, and being duly convicted thereof by two sufficient Witnesses before the Council, shall for the first Offence forfeit and pay five thousand Pounds of Sugar or Tobacco, to be levied upon his or their Estate, both real and personal, by Warrant to the Provost Marshal in the Nature of *Fieri facias* from the Governor; one thousand Pounds of the said Fine to be given to the Person informing of his or their Practice, the other four to be put into the common Stock, and employed to the publick Good of this Island: in case the said Person or Persons so practising without Licence and Toleration, and being duly convicted thereof, as aforesaid, shall prove poor and indigent, and not have wherewithal to make good the said five thousand Pounds, then the Person so offending shall suffer three Months close Imprisonment without Bail or Mainprize, and so for every Offence committed contrary to the Tenor and true Intent and Meaning of this Act, upon due Conviction, as aforesaid.

V. Saving always excepted from the Penalty of this Act all such as shall administer Physick, either external or internal, to their Servants or Slaves, belonging or bona fide appertaining to themselves, or as Attornies, Agents or Overseers for others that are absent, or shall for Charity's Sake do it for any poor indigent Person, or any Chirurgeon or Chirurgeons coming hither in any Ship or Ships, who in case of Necessity, shall, upon the earnest Request and Persuasion of any sick or wounded Person, administer, as aforesaid, during the Time

ISLAND OF ANTIGUA.

77

28th CHAR. II.

Nis. 44—48.

A. D. 1676.

Time of the said Ship or Ships being here, and no longer; any Law, Custom or Usage to the contrary notwithstanding.

Dated 9th *February*, 1676.

PHILIP WARNER.

RICHARD BORASTON, *Speaker*.

An Act relating unto the Secretary and Marshal of this Island.

Dated 1st *July*, 1677.

No. 45.
REPEALED
by Act of 15
July, 1679.
No. 51, itself
Obsolete.

An Act obliging the Inhabitants of this Island to keep and maintain Christian Men Servants.

Dated 5th *July*, 1677.

No. 46.
OBSOLETE.

An Act against Run-away Servants.

Dated at the *Savanna*, 5th *July*, 1677.

No. 47.
OBSOLETE.

An Act enabling Mr. Henry Winthrop, Captain Joseph Winthrop, and Lieutenant Samuel Winthrop, to sell or divide their Estate for the Payment of Debts or Legacies.

Dated 4th *September*, 1678.

No. 48.
PRIVATE.

30th CHAR. II.

Nis. 49, 50.

A. D. 1678.

No. 49.
PRIVATE.

An Act for the enabling Mrs. Dorothy Everard, by Major William Barnes and John Parry, Esq. her Guardians, to make a firm Conveyance of her Part of a certain Plantation in the Old North Sound, late the Estate of Mr. Thomas Everard her Father deceased, unto Captain John Vernon her now Father in Law.

Dated 4th September, 1678.

No. 50.
EXPLAINED
AND AMEND-
ED by Act 10
June, 1747,
(No. 199)
Sect. 7. & seq.
PREAMBLE.

An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein.

WHEREAS several Acts have been formerly made in this Island touching and concerning Freeholders and Inheritances within this Island, nevertheless Doubts and Contentions have arisen whether Houses in the Town, built upon any Proportion or Parcel of Land granted to any Person or Persons by Warrant from any Governor, Deputy Governor, or other chief Magistrate in this Island, or otherwise purchased from any Person to whom such Grants have been made, or from their Heirs or Assigns, should be taken, deemed, and held to be Inheritance in Fee Simple to the Person aforesaid, their Heirs and Assigns for ever, or whether such Lands and Houses shall be deemed, taken, and held to be Chattels only, having heretofore sometimes been taken and held to be Freehold of Inheritance, and at other Times it hath been taken and held to be only Chattels, which hath caused much Contention touching several Interests and Estates therein to the Prejudice of diverse Persons; therefore for the Prevention of the like Evils for the future, and for Encouragement of Builders and Improvers in the said Towns:

ACT.
Portions of
Land on which
(in six Months
after Return
of Warrant,) shall be built
Houses of
framed Timber,
or Brick
or Stone (not
thatched)

II. Be it enacted and ordained, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Date hereof, all and every Proportion of Land that already is, or hereafter shall be granted to any of His Majesty's Subjects in any of the Towns within this Island, that shall thereon build and erect in and upon every such Proportion of Land a framed Timber House covered with Shingles, or otherwise (provided such House be not thatched) or builded

31st CHAR. II.

No. 50.

A. D. 1679.

builded with Brick or Stone, covered as aforesaid, within six Months after the Date of the Return of such Warrants into the Register's Office, all such Lands and Houses shall from thenceforth be taken, deemed, and held to be Freehold and Inheritance in Fee Simple to all such Person or Persons, their Heirs and Assigns respectively for ever.

thatched) to be deemed, with the Erections, Freehold in Fee.

See Act of 10th June, 1747, (No. 199) Sect. 7. 8. 9.

III. Provided always, and it is the Intent of this Act, That this Act nor any Thing therein contained shall not call in Question any Matter or Thing whatsoever, acted or done heretofore touching the Title of such Houses, whether they were Freehold or not, but that all such Matter shall be deemed past question; saving and reserving the Rights and Interests of all Persons to such Houses and Proportions of Land as Chattel before the Date of this Act.

Act not to unsettle any Title, founded on past Transactions;

Interests in Houses and Land, as Chattels, vested before Act, saved.

IV. And forasmuch as there hath an Order been made by the Governor, Council, and Assembly of this Island, for the more regular building of the Towns of *Falmouth*, and *St. Johns*, and pursuant thereunto Plats of the said Ground were then drawn by the Deputy Governor, and Orders accordingly given to the respective Surveyors to observe the same, and not to lay out any Lands or Proportions in the Grounds appointed to be set apart for the Church Yard, Market Place, Parade Place, and for the Building of Prisons, or in the Streets of either of the said Towns, which said Orders have not been so well observed as was intended, therefore for the Prevention of all such irregular Proceedings for the future:

V. Be it and it is hereby enacted by the Authority aforesaid, That all Grants for any Part of the Lands aforesaid, or in any other the Towns of this Island, reserved, as aforesaid, shall be and is hereby declared void and of no Force; and if any Surveyor hath already, or shall hereafter lay out any of the said Lands or Grounds reserved, as aforesaid, it shall be deemed and taken to be a Common Nuisance, and proceeded against as such; any Law or Custom to the contrary notwithstanding.

Grants of Lands planned as Church Yards, Markets, Parades, &c. void, and their Occupation a Nuisance.

VI. And forasmuch as several Persons have procured Warrants for several Proportions of Land in the said Towns, and have not built upon any, but hindered such as would build thereon, which much hindereth the Improvement of the said Towns:

VII. Be it therefore enacted by the Authority aforesaid, That all Warrants heretofore granted to any Person or Persons whatsoever twelve Months before the Date hereof, who have not built thereon such Buildings as are before in this Act prescribed to be deemed Freehold

Former Warrants void where Grantees have not made Erections deemed Freehold by Act.

Exception as
to two Indi-
viduals.

Future War-
rants good six
Months and
no longer,
from their Re-
turn into Re-
gister's Office,
unless the
Houses pre-
scribed are
built.

Grants for
more than two
Proportions
void, if Gran-
tee has not
built accord-
ing to Act on
two Propor-
tions.

Timber Trees
growing on
Lands marked
out for Towns
to be for com-
mon Use, if
applied to
building there.
Persons carry-
ing Trees from
Towns to be
punished as
Tresspassers.

Warrants for
Land in *St.*
Johns, Fal-
mouth, and
Bridge Town
not to exceed,
Proportions in
Clause:
in other
Towns to be
at Discretion
of the Gover-
nor.

Freehold and Inheritance, be and are hereby declared to be null and void (except two Proportions of Land in the Town of *Falmouth* reserved to Captain *Obadiah Bradshaw*, his Heirs, and Assigns for ever, at such Time as the said Captain *Bradshaw* assigned Part of his Lands for erecting the said Town, in Consideration whereof the said Captain *Bradshaw* obtained a Grant from Lieutenant General *Willoughby* for one and fifty Acres of Land for his Son *John Bradshaw* in the Division of *Nonsuch*, formerly belonging to *John Howel*) and shall be void to all Intents and Purposes as if no such Warrant had been granted; and such Warrants as shall hereafter be granted to any Person or Persons for any Proportion of Land in any of the said Towns, shall be and continue in Force for the Space of six Months after the Return of such Warrants into the Register's Office, and no longer, unless such Building, as is before prescribed, be built thereon (except before excepted.)

VIII. And it is further enacted by the Authority aforesaid, That if any Person or Persons whatsoever have or shall obtain any Grant or Warrant for more than two Proportions of Land, as is hereafter in this Act mentioned and expressed, before such Person or Persons have built such Houses on two of the said Proportions, as is before expressed to be Freehold and Inheritance, all such Grants for more than two Proportions, shall and are hereby declared to be null and void to all Intents and Purposes whatsoever.

IX. And that all Timber and Timber Trees standing, being, or growing on the Land assigned and set out for the Towns, shall be and remain to the common Use of such as shall build and improve the said Towns, and shall not carry off or out of the said Town Lands any Timber or Trees fit for Use in building, upon any Pretence whatsoever, and such Person or Persons shall be deemed Trespassers, and shall be punished as a Trespasser in any particular Estate. And for the more regular Proceeding in the Building the said Towns:

X. It is hereby enacted, That all Proportions of Land, for which any Warrants shall be granted, shall not be more or less than eighty Foot Back, and fifty Foot Front, in the Town of *St. Johns*, and in the Town of *Falmouth* forty Foot Front, and sixty Foot Backward, and in the *Bridge Town* at *Willoughby Bay* forty Foot Front, and fifty Foot Back, and in the Town of *Parham* sixty Foot Front, and eighty Foot Back, and in the rest of the Towns within this Island such Proportions as the Governor and Council for the Time being shall think

ISLAND OF ANTIGUA.

81

31st CHAR. II.

No. 50—54.

A. D. 1679.

think fit, with respect to be had to the Places where such Towns are appointed to be built.

Dated the fifteenth Day of *July*, one thousand six hundred seventy-nine.

PAUL LEE.

JEREMIAH WATKINS.

PHILIP WARNER, *Speaker*.

An Act for the repealing several Acts, Clauses, and Provisoes in Acts, and for the reinforcing of others.

No. 51.
OBSOLETE.

Dated 15th *July*, 1679.

An Act for the Encouragement of all such as shall bring Christian Servants to this Island.

No. 52.
OBSOLETE.

Dated 15th *July*, 1679.

An Act empowering Nathaniel Monk to sell the Plantation of Benjamin Steel, and Mary his Wife, for the Maintenance of their Children.

No. 53.
PRIVATE.

Dated 25th *March*, 1679.

An Act against taking up of Lands intently to waste and dispose of Timber, or alienating of such Grants by Sale or Conveyance before the Continuance of a Settlement according to a former Act.

No. 54.
OBSOLETE.

No Date.

An

No. 55.

REPEALED
by Act of 28th
June, 1702,
(No. 129) sect.
20.

An Act for repairing and cleaning Common Ponds.

Dated 8th April, 1680.

No. 56.

REPEALED
by Act of 11th
Aug. 1724,
(No. 180) sect.
2.

An Act for the cleaning and enlarging Common Paths and Highways within this Island.

Dated 8th April, 1680.

No. 57.

REPEALED
AS TO ONE OF
ITS CLAUSES
by Act of 28th
June, 1702,
(No. 130) sect.
15: THE
WHOLE OB-
SOLETE.

An Act for bringing in Run-away Negroes, and Encouragement of such who shall bring them in.

Dated 9th July, 1680.

No. 58.

REPEALED
by Act of 28th
June, 1702,
(No. 131) sect.
21.

An Act for settling the Militia, for settling the Guards, and the Observation of the Exercise of Martial Discipline within this Island.

Dated 8th December, 1680.

No. 59.

OBSOLETE.
Sec Act 1st
July, 1692,
(No. 80.)

An Act for the dividing of this Island into five Parishes, the building of Churches in the said Parishes, and for the raising of all Parochial Charges from the Inhabitants of each Parish.

Dated 24th August, 1681.

33d CHAR. II.

Nis. 60—65.

A. D. 1681.

An Act for confirming all Foreigners inhabiting in this Island, in their Estates, to them and their Heirs for ever.

No. 60.

NEVER CONFIRMED. See Act of 28th June, 1702, (No. 127.) s. 6.

Dated 24th August, 1681.

An Act for reinforcing of several Acts made in this Island not as yet known that they are confirmed by His Majesty.

No. 61.

OBSOLETE.

Dated 1st May, 1682.

An Act to prevent the Exportation of Beef and other Provisions brought to this Island to be sold in any other Island.

No. 62.

OBSOLETE.

Dated 1st May, 1682.

An Act for settling the Militia, and for settling the Guards, and the Observation of the Exercise of Martial Discipline within this Island.

No. 63.

REPEALED. by Act of 28th June, 1702, (No. 131,) sect. 21.

Dated 11th May, 1682.

An Act for repealing an Act, intituled, An Act for Publick Recompence to Masters of Slaves put to Death by Law.

No. 64.

OBSOLETE. The Act repealed is No. 15.

Dated 24th May, 1682.

An Act for sending Shalloops against the Indians.

Dated 24th May, 1682.

No. 65.

OBSOLETE.

An

No. 66. *An Act for the Maintenance of a Gunner and File of Men on the Forts.*

PREAMBLE.

Deficiency of
Guard in the
Forts.

ACT directs
the Establish-
ment of a
Gunner and
six Men at
each Fort.

Their Salary
to be settled
by the Gover-
nor and Com-
mander of Mi-
litia.

WHEREAS the Guards on His Majesty's Forts in this Island in the Harbours of Saint Johns and Falmouth, have been heretofore uncertain, and many Times not Men enough to manage the Guns for saluting of Ships, much less to perform His Majesty's Service requisite there to be done:

II. Bet it therefore enacted, and it is hereby enacted by his Excellency the Captain General, his Council, and the Representatives of this Island, That from henceforth one Gunner and six able Men be kept and maintained on each of the said Forts, who are to have Houses convenient in the said Forts, and to be paid such Salary as shall be agreed upon by the Chief Governor and Commander of the Militia for the Time being, out of the Publick Stock of this Island by the Chief Collector of the said Stock, by such Order as in such Cases is usual; any Thing in any other Act to the contrary notwithstanding.

Dated in *Antigua* the twenty-fourth Day of *May*, Anno Domini one thousand six hundred eighty-two.

JOHN VERNON, *Speaker.*

No. 67.
OBSOLETE.

An Act for cleaning the Highways from the Cross Paths to the Fig Tree, and from Saint Johns to the Fig Tree.

Dated 24th *May*, 1682.

No. 68.
OBSOLETE.

An Act against Factors or Agents having any Benefit of the Act of Extent until accounted with their Employers.

Dated 24th *June*, 1682.

35th CHAR. II.

Nis. 69, 70.

A. D. 1683.

An Act for the leasing of that Part of Mr. Mildon's Estate, which was given by his last Will and Testament to the Poor of this Island.

No. 69.
PRIVATE.

Dated 25th October, 1683.

An Act enabling Artificers, Labourers, and Servants to recover their Wages from their Masters.

No. 70.

FORASMUCH as we daily experience, in this Island of *Antigua*, the great Discouragement Artificers, Labourers, and Servants receive for want of their just Payments of their Contracts and Wages any other Ways but by chargeable and costly Suits at Law :

PREAMBLE.
Workmen recovering Wages by Suit inconvenient.

II. For the better Encouragement of the said Artificers, Labourers, and Servants, we therefore humbly pray His Majesty that it may be enacted, and be it, and it is hereby enacted by the Chief Governor, Deputy Governor, Council, and Assembly, and by the Authority of the aforesaid Island, That any one of His Majesty's Justices of the Peace, upon Complaint, hath Power and sufficient Authority to summon and call before them any such Person or Persons as shall refuse and neglect to make Satisfaction, and all Matters and Causes to hear and determine as shall be relating to Masters, Artificers, Labourers, and Servants, and upon their due Examination upon Oath, he hath hereby full Power and Authority to order the said Masters to pay the just Contract and Wages due unto the said Artificers, Labourers, and Servants, within fourteen Days after such Complaint is made ; and if such Orders be contemned or neglected, it shall be lawful for such Justice to issue forth his Warrant in the Nature of an Execution, and direct it to the Provost Marshal of this Island to seize upon the Goods and Chattels of all such Persons as so refuse, and them to sell as in case of Execution at Common Law.

ACT.
Justice empowered to judge Controversies between Masters and Servants, and after Examination on Oath to order Payment in 14 Days, to be levied by Warrant in the Nature of Execution.

III. Provided always, such Contracts and Wages do not amount to more than the Sum of two thousand Pounds of Sugar or Tobacco ; any Law, Custom, or Usage to the contrary notwithstanding.

Provided Wages litigated do not exceed 2000 lb. Weight of Sugar or Tobacco.

Dated the twenty-eighth Day of *October*, in the six and thirtieth
VOL. I. N Year

36th CHAR. II.

Nis. 70—75.

A. D. 1684.

Year of His Majesty's Reign, and in the Year of our Lord one thousand six hundred eighty-four.

EDWARD POWEL.

CÆSAR RODNEY, *Speaker.*

No. 71.
OBSOLETE.

An Act for the quieting the several Inhabitants in this Island in their Possessions.

Dated 20th October, 1684.

No. 72.
OBSOLETE.

An Act for restraining and punishing Privateers and Pirates.

Dated 19th February, 1684.

No. 73.
OBSOLETE.

An Act for suppressing all Merchants, Traders, and others from dealing with any the Servants or Slaves of the Inhabitants of this Island.

Dated 12th March, 1684.

No. 74.
See Act of 21st
July, 1692,
(No. 83.) s. 10.

An Act for the annexing of Slaves to Freeholds in this Island.

No Date.

No. 75.
OBSOLETE.
See Act of 1st
July, 1692,
(No. 80.)

An Act for dividing the Island into Parishes, and Maintenance of Ministers, the Poor, and erecting and repairing of Churches.

Dated 22d December, 1687.

An

ISLAND OF ANTIGUA.

87

4th JAMES II.

Nis. 76—78.

A. D. 1689.

An Act for regulating the Militia.

Dated 27th November, 1688.

No. 76.

REPEALED
by Act of 28th
June, 1702,
(No. 131, sect.
21.)

An Act for establishing of Courts, and settling due Methods for the Administration of Justice in this Island of Antigua.

No. 77.

REPEALED.
See Act of 21st
Jan. 1791,
(No. 475.)

Recorded 26th March, 1689.

An Act for Encouragement of poor Soldiers valiantly to behave themselves in Their Majesties' Service for Defence of this Island.

No. 78.

See Act of 22d
April, 1796,
(No. 507.)

WE Your Majesties' most loyal, dutiful, and obedient Subjects, the Council and Assembly of Your Majesties' Island of *Antigua*, for the Encouragement of poor Soldiers to adventure their Lives, and fight valiantly for Defence of this Your Majesties' Island of *Antigua*, do most humbly pray Your Most Excellent Majesties, that it may be enacted and ordained by the Governor in Chief for the 'Time being, the said Council, and Assembly of the said Island, That every Man that shall be hurt, maimed, or wounded in Their Majesties' Service for the Defence of this Island, shall have the whole Charge of his Maintenance and Cure till he be restored to good Health, borne and paid out of the public Stock of this Island; and also that there shall be duly paid out of the public Stock of this Island to every Man disabled in the said Service, the full Quantity of three thousand Pounds of Sugar by the Year, and yearly during his Life; and further, if any Man happen to be slain or mortally wounded in Their Majesties' said Service, if he leave either Wife or Children behind him, the Widow of such Person so slain or mortally wounded shall yearly receive, and be paid out of the Public Treasury or Stock of this Island, three thousand Pounds of Sugar during her Widowhood, and the Children shall be taken care of and provided for by the Country.

PREAMBLE.

ACT.
Soldiers
wounded in
Defence of the
Island to be
supported,
under Cure,
at Public Ex-
pence, and if
disabled, to
have during
Life 3000 lb.
of Sugar an-
nually; Wi-
dows of the
Slain to have
the same Al-
lowance; and
Children, Sup-
port at the
public Charge.

II. And it is further enacted by the Authority aforesaid, for the Encouragement of Servants that shall be signally courageous in defending

Servant to be
freed on Cer-
tificate from
two

1st W. & M.

Nis. 78—80.

A. D. 1689.

two Officers
of his good
Services;

but the Master
to be paid for
Services by
the Public.

5000 lb. of Su-
gar to be paid
to Masters for
every Negro
slain. See Act
of 14th Aug.
1672, (No.
19.)

defending this Island upon any Attack made by any of Their Majesties' Enemies, That every such Servant, upon Certificate under the Hands of two of his Officers, or other good Proof of such his good Service, shall be thereupon freed and discharged from his said Servitude; yet nevertheless the Master or Mistress of such Servant shall be paid by the Public for Service of such Servant, so much as the Council and Assembly of this Island shall upon such an Occasion order and adjudge such Service to be worth.

III. And it is hereby further enacted by the Authority aforesaid, That every Master, Mistress, and Owner of Negro or Negroes in this Island shall be paid and receive five thousand Pounds of Sugar out of the Public Stock for each Negro belonging to them, or any of them, that shall happen to be slain, or mortally wounded, and disabled in Defence of this Island against any of their Majesties' Enemies.

Dated the thirteenth of *February*, one thousand six hundred and eighty-nine.

CHRISTOPHER CODRINGTON.

SAMUEL MARTIN, *Speaker*.

No. 79.
OBSOLETE.

An Act for the obliging all such Persons as shall be chosen Assembly Men for this Island to serve in their said Capacities, when elected.

Dated 29th October, 1691.

No. 80.

CONFIRMED
11th January,
1693-4.

ALTERED by
Act of 10th

Jan. 1725,
(No. 184.)

ENLARGED
by Act of 20th
Oct. 1783,
(No. 418.)

FURTHER
ENLARGED
by Act of 13th
July, 1790,
(No. 469.)

AMENDED
FURTHER by
Act

An Act for dividing the Island into Parishes, and Maintenance of Ministers, and the Poor, and erecting and repairing Churches.

FOR dividing the Island into Parishes, Maintenance of Ministers, the Poor, and erecting and repairing of Churches, and Chapels, We Your Majesties' loyal, dutiful, and obedient Subjects, the Governor in Chief, the Council and Assembly of the Island of *Antigua*, most humbly pray Your Most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the Chief Governor, Council, and Assembly of the said Island, and by the Authority of the same, That

4th W. & M.

No. 80.

A. D. 1692.

That the respective Justices of every Parish, or the next adjacent within this Island, or any two of them, shall every Year issue out their Warrants to the Constables to summon the Freeholders of the respective Parishes together on the First Tuesday in January for every Year hereafter, or on any of the next following eight Days (Sunday excepted) for the choosing of twelve Vestry Men (the Minister always to be one, if they have any) of the most honest, able, and religious Men; which being duly chosen, the Justices or any one of them are to make Returns thereof under their Hands of the Persons chosen to the Chief Governor of this Island within four Days after such Election, and out of them the said Vestry to choose and elect two Churchwardens at the Time or Times aforesaid.

Act of 30th
Dec. 1794,
(No. 498.)

By Act of 30th
Dec. 1794,
(No. 498,) s. 1.
The first three
Clauses are re-
pealed as to the
Parish of St.
John; and [by
s. 2. 3. 4. 5. 6.]
peculiar Forms
prescribed for
electing Ves-
tries there.

II. The Freeholders within their respective Parishes to be duly summoned by a Warrant under the Hands of the two next Justices within the said Precincts, to be chosen on some of the Days aforesaid, under the Penalty of five Pounds Current Money of this Island, to be levied by Warrant from the Chief Governor for the Time being, within the Space of three Months, by Distress and Sale of the Goods.

Justices duly
to issue Sum-
mons to Free-
holders, under
Penalty of 5*l*.
leviable by
Warrant from
Governor.

III. And in Case the Freeholders summoned as before shall not appear, they and every of them shall forfeit three Shillings Current Money of this Island, to be levied by Warrant under the Hands and Seals of any two Justices by Distress and Sale of Goods, he or they not shewing lawful Cause for such Absence.

Freeholders
not appearing
to forfeit 3*s*.
each, to be le-
vied by Dis-
tress.

IV. And that it shall be in the Power of the said several Vestries in their respective Parishes, or the major Part of them, to raise a reasonable Tax upon the Inhabitants of their several respective Parishes for the Maintenance of the Minister and Poor, and for erecting convenient Churches and Chapels, and the repairing such as are already made, and the making convenient Seats and Pews in them, and the defraying other Parochial incumbent Charges.

Vestries to le-
vy Taxes for
Parish Pur-
poses;
but in St.
John's Parish
[by Act of 30th
Dec. 1794 (No.
498,) s. 7.]
Taxation to be
proposed in
Vestry when
not fewer than
seven Mem-
bers are pre-
sent, at least
20 Days before
Adoption.

V. And if the said Vestrymen or any of them shall neglect and not appear upon due Summons from the Minister and Churchwardens, every Vestryman shall forfeit five Shillings for every such Default, unless he or they shew lawful Cause for his or their not appearing; to be levied as aforesaid by Warrant under the Hands of

Vestrymen
not attending
to forfeit 5*s*.
each Default,
to be levied by
Distress.

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of two of the next Justices within the Precincts by Distress and Sale of Goods.

Vestrymen,
refusing to
serve to forfeit
5*l.* to be levi-
able as above.

*By Act of 20th
Oct. 1803,
(No. 418,) ad-
ditional En-
forcements for
Recovery of
Rates, and by
Act of 4th
Sept. 1799,
(No. 536,) s.
1. 2. 3. 4. 5. 6.
the Procedure
is further
altered under
these three
Clauses.*

VI. And be it further enacted and ordained by the Authority aforesaid, That all such Persons as shall be duly elected and chosen in the Parish where they shall dwell, and refuse to serve as Vestrymen, shall forfeit five Pounds Current Money; to be levied as aforesaid.

VII. And a Roll of the said Tax or Taxes so made within the respective Parishes shall be made by the Churchwardens for the Time being, who, at Request of any two of the next Justices within the Precincts, are hereby impowered to grant a Warrant to the Constable within the said Parishes respectively to levy the same, and, upon Refusal, by Distress, as aforesaid, and to deliver into the Hands of the Churchwardens all such Sum or Sums as they from Time to Time shall receive immediately after the Receipt of the same.

VIII. And for every Constable that shall neglect to deliver every such Sum as he shall receive within one Week shall forfeit forty Shillings like Money, detaining to himself eight *per Cent* for collecting.

IX. And if any Justice or Justices within the respective Precincts shall refuse to sign any Warrant upon the Request of the Churchwardens first had and made, shall forfeit five Pounds, to be levied, as aforesaid, by Warrant from the Chief Governor for the Time being.

On Church-
wardens re-
fusing to serve,
Penalty 5*l.*
leviable as be-
fore;
and new Elec-
tion to be had.

Forfeitures to
be at Disposal
of Vestry, to
whom
Churchwar-
dens must ac-
count, under
Penalty of 5*l.*

X. And it is further enacted and ordained by the Authority aforesaid, That all or any Churchwarden or Churchwardens, that shall from Time to Time be chosen by the respective Vestries, and shall refuse to serve, shall forfeit five Pounds Current Money, to be levied as aforesaid, and the said Vestry to proceed to a new Election; and the Churchwarden so chosen, and undertaking the said Office, shall receive and keep a just and true Account of all such Sums of Money or other Goods (to be levied by this Act) and the same dispose of by the Consent of the said Vestries of the respective Parishes aforesaid, for the Purposes and Intents aforesaid; and the Churchwardens shall, as often as thereunto required, yield and give a just and true Account unto the Vestry of all the Receipts and Disbursements (provided it exceeds not twice a Year) upon the Penalty aforesaid for refusing to serve as Churchwardens.

Vestry to ex-
amine as to
old Arrears,
and levy them
for Parish
Uses.

XI. And be it further enacted and ordained by the Authority aforesaid, That the Vestrymen of each Parish shall have full Power to inquire into Arrears of former Subscriptions and Taxes, and to levy

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levy the same by Warrant from the Justices to the Constables: All which Forfeitures shall be to the Use of the Parish.

XII. And forasmuch as any Persons, who may by Virtue of this Act be taxed, and have nothing in the Parish where they are taxed, upon which any Distress may be made; it is therefore enacted and ordained by the Authority aforesaid, That in such Cases, from and after the making hereof, it shall be lawful for the said two Justices to issue forth a Warrant to distrain upon them by their Goods and Chattels in any other Parish, as in Case the said Person or Persons were dwelling in the said Parish; and that all Person or Persons from Time to Time distrained upon, shall pay and bear out of the Goods so distrained all the Charges occasioned by such Distress.

Persons indebted for Taxes having nothing in the Parish,

to be distrained on in another Parish, and Charges borne by Defaulters.

XIII. And it is hereby further enacted by the Authority aforesaid, That any Person or Persons aggrieved or rated in any such Assessment or Tax have hereby Liberty granted to appeal to the Justices sitting in Quarter Sessions in their respective Precincts in this Island; provided, that such Appeal to them be made at the first or second Quarter Sessions after such Taxes made, and not afterwards; and that there it appearing to the said Justices that he, she, or they were over-rated, taxed, or assessed, to ease him, her, or them, as to their Discretion shall seem meet; but no Appeal shall be further, or to any other Court or Place in this Island for any Tax or Rate made or assessed by the Vestry of each respective Parish in this Island; any Law, Custom, or Usage to the contrary notwithstanding.

Persons aggrieved may appeal,

by Act of 20th Oct. 1783,

(No. 418,) s. 6. to Justices of King's Bench and Grand Sessions at Sitting next after Tax Roll has been posted on Church Door.

XIV. And be it further enacted and ordained by the Authority aforesaid, That the Churchwardens for each respective Parish within this Island do buy, or cause to be bought, one fair and well bound Book, wherein the Minister (and, in Case there be no Minister there resident, the respective Churchwardens, upon Notice given by the Masters of the several Families, who are hereby required to give such Notice under the Penalty of ten Shillings Current Money of this Island) shall register or cause to be registered, by the Clerk of the Vestry of that Parish, the Times of Christenings, Marriages, and Burials of all such Person or Persons that shall from Time to Time be christened, married, or buried, within the said Parish, under the Penalty of five Pounds of the like Money for every such Default, to be levied as aforesaid; and that the said Clerk or Person that shall register the same shall have and receive, as Fee for every such Entry, Nine-pence, and no more; and for a Copy of the aforementioned Premises out of the said mentioned Register Book, to be attested by the Minister of the Parish for the Time being,

Each Parish to keep Register; in which, on Notice to be given by Heads of Families under Penalty of 10s. Minister, and in his absence, Churchwardens to enter Christenings, &c. under Penalty of 5l.

Fee for registering, 9d. per Entry; for Copy of Entry 18d.

the

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the Clerk or Register shall or may receive as a Fee Eighteen-pence, and no more.

Such Register to be deemed a Record.

Making false Entries Punishable as falsifying Records in England. Penalties to be to Use of Parish.

Parish Clergyman to have 16,000 lb. of Sugar every 24th June, as a Salary.

Vide Acts of the Leeward Islands, No. 33.

To be qualified for Benefice, must be in Orders according to the English Church.

Testimonials of Orders to be recorded.

Salary not to hinder further Gratuities to Clergymen.

Ministers not qualified, solemnizing Marriage, to forfeit 20l. to Parish Uses.

Qualified Ministers not to marry without Banns or Licence, under like Penalty.

XV. And it is hereby further enacted by the Authority aforesaid, That the said Registering at all Times hereafter shall be deemed and adjudged as an authentick Record of all Christenings, Marriages, and Burials in all and every the Courts of Record in this Island; but if any Person hereby authorized to make such Entry, or any other whatsoever, shall make or cause to be made any false Entry, he or they so offending shall be proceeded against and punished in Manner and Form, as the Law of *England* provided against such as steal, raze, or imbezzle Records; all such Forfeitures to be to the Use of the Parish.

XVI. And be it further enacted and ordained by the Authority aforesaid, That every Parish within this Island do allow, and pay unto the Minister in each Parish, the Sum of sixteen thousand Pounds of Sugar or Tobacco, as a constant yearly Salary for the Support and Maintenance of every Minister, to be paid to them on the Feast of *St. John* the Baptist; and none to be capable of being presented to the said Benefices, or receiving the Profits of the same, unless they produce due Testimonials, that they are qualified according to the Canons of the Church of *England*, by having taken Deacon's and Priest's Orders; and the said Testimony to be recorded in the Secretary's Office of this Island.

XVII. Provided, That nothing in this Act shall hinder the Vestries from further gratifying their respective Ministers.

XVIII. And be it further enacted and declared by the Authority aforesaid, That no Minister, not duly qualified as aforesaid, presume to marry any Person or Persons whatsoever, under the Penalty of twenty Pounds, Current Money of this Island; and upon Proof made of any unlawful Marriage before any two Justices within the said Precincts, the said Penalty to be levied to the Use of the Parish aforesaid, as in cases of further Forfeitures; and that no Minister presume to marry any Person, whose Banns have not been published three Times in their Parish Church, or have a Licence from the Governor in Chief, for the Time being, authorizing him thereunto, under the like Penalty to the Uses aforesaid.

XIX.

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XIX. Provided always, and it is the true Intent and Meaning of this Act, That no Ecclesiastical Law or Jurisdiction, shall have Power to enforce, confirm, or establish, any penal Mulct, or Punishment in any Case whatsoever; any Thing in this Act, or any other, to the contrary notwithstanding.

Ecclesiastical
Jurisdiction
excluded.

XX. And whereas in this Island, by an Act bearing Date the twenty-fourth Day of *August*, one thousand six hundred eighty-one, intituled, *An Act for dividing this Island into Parishes*, this Island was divided into five Parishes; that is to say, the Division of *Falmouth*, *Rendevous Bay*, and Part of *Willoughby Bay*, to the Parish of *St. Paul's*; and the remaining Part of *Willoughby Bay*, *Nonsuch*, and *Bel-fast*, to the Parish of *St. Philip's*; and that the Divisions of *Old and New North Sound*, be the Parish of *St. Peter's*; and that the Divisions of *Popeshead*, *Dickenson's Bay*, *St. John's*, and *Five Islands*, to be the Parish of *St. John's*; and that the Divisions of the *Road* and *Bermudian Valley* be the Parish of *St. Mary's*; be it therefore enacted and ordained by the Authority aforesaid, That all and every of the said several Parishes before named and expressed, rest, remain and forever hereafter be distinguished and known by the aforesaid respective Names, and by no other whatsoever; any Thing in this or any other Law to the contrary notwithstanding.

RECITAL and
Confirmation
of Act of 24th
Aug. 1681.
(No. 59) by
which the Is-
land was di-
vided into five
Parishes.

No. 59, is ob-
solete.

By Act of 10th
Jan. 1725.
(No. 184) a
new Parish is
created by the
Division of *St.
Peter's* into the
Parishes of *St.
Peter* and *St.
George*.

XXI. And further be it enacted by the Authority aforesaid, That if any Parish within this Island be without a Vestry, that they may at any Time, within one Month after the Date of this Act, choose a Vestry according to the Method in this Act prescribed; and all Vestries already chosen, are and shall be held, to all Intents and Purposes, to be Vestry or Vestries fully empowered to act and do in all cases as fully, as any future Vestry to be chosen by Virtue of this Act, may or can.

Parish without
Vestry em-
powered to
elect one with-
in a Month.
Existing Ves-
tries confirm-
ed.

Dated in *Antigua* the first Day of *July*, in the fourth Year of the Reign of *WILLIAM and MARY*, by the Grace of God, King and Queen of *England, Scotland, France, and Ireland, Anno Domini*, one thousand six hundred ninety two.

CHRISTOPHER CODRINGTON.

JOHN LUCAS, *Speaker*.

4th W. & M.

Nis. 81—83.

A. D. 1692.

No. 81. *An Act encouraging the Importation of White Servant Men.*

REPEALED
by later Acts.
See Act of 11.
July, 1716.
(No. 153.)

Dated 2d July, 1692.

No. 82. *An Act for establishing of Courts, and settling due Methods for the Administration of Justice in this Island.*

REPEALED.
See Act of 21.
Jan. 1791.
(No. 475.)

Dated 22d July, 1692.

No. 83.

REPEALED
IN PART by
Act of 3d Nov.
1698 (No 106)
s. 22.
See, in Con-
nection with
this, Act of
28th Feb. 1718
(No. 163.)

An Act for quieting the Inhabitants of this Island in their present Possessions, and preventing litigious Law-Suits.

PREAMBLE
Recites, that
Government,
after the Re-
capture from
the French, in
consequence
of some re-
claiming and
not settling
Lands, encou-
raged others
to settle by
fresh Grants,
and that the
new Posses-
sors, after ex-
pensive Im-
provements,
are threatened
with Eject-
ments, on the
old and super-
seded Titles.

WHEREAS after the French King's Conquest of this Island, and the Retaking of it again by the English Forces, many Persons pretended Right to Land here, and some took up great Tracts, who did not settle or improve the same, so that the Island was in all Probability likely to be deserted, had not the Government encouraged others to take up Land, by giving Patents, Grants, and Warrants, for the same; which the Government thought might be lawfully done upon the Failure of such pretended Claims, and Non-settlers; which after Settlers by aforesaid Encouragement have made great Improvements, at their great Expence, both of Money and Time, and since this last War with the French, the major Part of the said present Settlers, have been at a vast Charge in Taxes, as also exposed their Persons in Their Majesties' Service for the Defence of this Island, which would after all seem extreme hard and unjust, to admit such Persons to be disquieted in their Settlements; as also many Persons for valuable Considerations did purchase from several Persons, Lands and Tenements, which held the same in Right of their Wives; which said Persons, by the Money received for their said Purchase, did much improve themselves and Families, and took up other Land more convenient for

4th W. & M.

No. 83.

A. D. 1692.

for them, as they were then capacitated; since which, many Persons, who pretended a former Right, as well Grantees as Feoffees, have threatened to eject the present Possessors out of their Estates, notwithstanding, at first taking up or purchasing the said Land, the same was of little Value, and so would have continued, had not the present Possessors, at their great Expence, as aforesaid, both of Money and Time, made it otherwise: to the great Benefit and Addition of 'Their Majesties' Revenue, the absolute Settlement of this their Island:

II. And whereas the Chief Governor, Council, and Assembly, are very sensible that present Possessors, as aforesaid, by such Threatenings aforesaid, are much dissatisfied, and do not cheerfully go on with their Settlements, for the Cause aforesaid, but are rather inclinable (although many of them have made good Estates, and have large Families) to desert and depart from the Island, which would be the utter Ruin thereof: For the Prevention of which, and the quieting the present Inhabitants in their present Possessions, and taking away litigious Law Suits:

III. We your Majesties' most humble and obedient Subjects, the Chief Governor of Your Majesties' *Caribbee Leeward* Islands, the Council and Assembly of this Island, do most humbly pray Your Most Sacred Majesties, that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That all Persons at present upon this Island, or absent therefrom, that be possess by himself, themselves, or his or their Attorney or Attornies, Agent or Agents, of any Lands or Tenements, and claim the same in their own Right in Fee, by Virtue of any Patent, Grant or Warrant for any Land, and have settled the same, or any Person or Persons now present upon, or absent from this Island, that derive their Titles from such Persons, shall and may peaceably hold, occupy, and enjoy the same, to them and their Heirs for ever, against all manner of Persons, their Heirs, and Assigns, claiming the said Lands, by any manner of Ways or Means whatsoever.

IV. Provided, That the Person or Persons so possess, as aforesaid, or either or all of them, have been in Possession for the Term or Time of five Years, before the Day of the Date of this Act.

V. And be it further enacted by the Authority aforesaid, That if any Person that hath a former Claim to any Lands or Tenements so possess, as aforesaid, or Persons that were possess of any Land before the late Conquest of this Island, or afterwards were intitled to the same by any Act of this Island, made by the Lord *William Wil-*

And recites that Precariousness of Tenure may Cause Depopulation.

Act.
Possessors, under Grants from Government, who have settled Lands, confirmed.

Provided Possession has endured five Years.

If however Claimants under Government Grants, made before or since Conquest, shall in two Years after

ter Act, [Femes Covert in two, Orphans in three Years after Ability] try their Claim by Jury, and make out a Title, present Possessors to pay them the Value of the Land unimproved.

Willoughby, or any of his Deputies, or any Grant after the said Conquest, from the said Lord *Willoughby*, or any of his Deputy Governors, as aforesaid, shall, within two Years after the Publication of this Act, and Feme Coverts within two Years after Freedom, from the said Coverture, and Orphans within three Years after they shall come of Age, at any of the Courts of Common Pleas of this Island, where the Land lies, by a Jury impannelled for that Purpose, try the Matter, who, when upon their Oaths, shall find that the Plaintiff or Complainant had a good Title to the same, that then Judgment shall be given, that the Person or Persons now in Possession, shall pay so much to the Person or Persons so making their Right appear, as the said Jury shall value the said Land to be worth; always provided, That the said Jury do consider the said Land in the Place where it is situated, and value the same at the Time that the present Possessors took Possession of the same to settle, and no otherwise.

By No. 106. sec. 8. Deeds recorded in Register's Office good.

Exception.

Passage in Italics and corresponding Proviso below, repealed by No. 106. sect. 22.

Wife's Land may be conveyed by Husband and Wife.

Such Conveyance to be as effectual as Fine and Recovery.

Wife to be examined touching her free Assent,

VI. And be it further enacted by the Authority aforesaid, That all Deeds, or Instruments of Writing, *made* in the Register's Office of this Island, for the Sale of Land or otherwise, shall, to all Intents and Purposes whatsoever, be good and valid in Law according to the true Intent and Meaning of the said Parties (excepting the Lands or Tenements belonging to the Wife sold by the Husband only, *or Lands and Tenements sold by the Husband and Wife, unless the Husband and Wife have first received from the Purchaser bona fide, without Fraud or Covin, the Moiety, or one half Part at least, of the true or intrinsick Value of the said Purchase*; any Law, Usage, or Custom, to the contrary notwithstanding.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the future, where the Husband stands possess of his Wife's Inheritance, together with his Wife, under their Hands and Seals, to pass away the said Wife's Inheritance, by any manner of Deed whatsoever, and the Person or Persons to whom the same is past, shall have, hold, and enjoy the same, according to the Limitations specified in any Deed aforesaid, the same being hereby declared to be good and effectual in Law, when recorded in the Register's Office, according to the Act for the same, in as good and ample manner, as though the same were past by Way of Fine and Recovery, before any of the Judge or Judges in *Westminster Hall*, or otherwise; any Law, Usage, or Custom, to the contrary notwithstanding.

VII. Provided the said Wife be first examined before one of the Judges of this Island, that she does not the same with any Compulsion,

4th W. & M.

No. 83.

A. D. 1692.

sion, Dread, or Fear of her Husband, but of her own voluntary Act and Will, and the Judge before whom such Examination is taken, is to certify the same under his Hand upon the same Deed; *provided the Purchaser do really and bona fide without Fraud, pay for the same the true intrinsick Value of the said Purchase, or one half Part at least.*

Assent, which must be certified by Judge.

The Part of Clause in Italics, repealed by Register Act of 3d Nov. 1698. [No. 106.] sec. 22.

IX. And whereas many Persons heretofore deceased, stood posset of a good Quantity of Lands and Tenements, and Number of Negroes, some of which Persons made their Wills and Testaments, nominating their Executors therein; and others died intestate, leaving their Negroes, and other Goods and Chattels, to be disposed of by the Administrator or Administrators to be appointed; which said Executors and Administrators, by Virtue of their Executorship and Administration, inventoried and appraised the said Negroes, and disposed of them as other Chattels, which oftentimes proved a Ruin to the Interest or Estate, and left the Widow and Children in a bad Condition:

RECITAL. Executors, &c. had disposed of Negroes as Chattels, which frequently proved ruinous to Estates.

X. For the Prevention thereof for the future, be it, and it is enacted by the Authority aforesaid, That all Negro Slaves and other Slaves, after the Date of this Act, shall, and are hereby declared to be Inheritance, and affixed to the Freehold, and the Widow capable of being endowed thereof: Provided always, That any Executor or Administrator may inventory the said Negroes, but not take them into his Custody, to the Intent, that if there shall not be sufficient Goods and Chattels to pay the Deceased's Debts, that then the said Negroes are liable to be taken for Payment of the said Debts, and be as Chattels to that Purpose, and no otherwise.

ACT. Negroes Inheritance, and the Widow dowable of them;

Proviso that, in Deficiency of Assets, Negroes shall be Chattels for Payment of Debts, and no other Purpose.

Dated in *Antigua* the one and twentieth Day of *July*, in the fourth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, King and Queen of *England*, &c. *Anno Domini*, one thousand six hundred and ninety-two.

CHRISTOPHER CODRINGTON.

JOHN LUCAS, *Speaker.*

An

5th W. & M.

Nis. 84—89.

A. D. 1693.

No. 84. *An Act appointing the Number of Assembly Men, and the Manner of electing the same.*
OBSOLETE.

Dated 19th July, 1693.

No. 85. *An Additional Act to the Act, intituled, An Act for encouraging the Importation of White Servant Men.*
OBSOLETE.

Dated 3d August, 1693.

No. 86. *A Supplementary Act to a late Act for regulating the Militia.*
REPEALED by
Militia Act of
28 June, 1702.
(No. 131,) sect.
21.

Dated 8th September, 1693.

No. 87. *An Act for providing spare Arms for Service on all extraordinary Occasions.*
OBSOLETE.

Dated 24th November, 1693.

No. 88. *An Act to encourage the destroying the Indians, and taking their Periagoes.*
OBSOLETE.

Dated 21st December, 1693.

No. 89.

SUPERSEDED
by Act of 28th
Feb. 1798.
(No. 527)

An Act for the Trial of Criminal Slaves.

WE Your Majesties' most humble and obedient Subjects, the Governor in Chief of the Leeward Caribbee Islands, and the Council and Assembly of this Island of Antigua, most humbly pray Your Sacred Majesties that it may be enacted, and be it, and it is hereby enacted

6th W. & M.

No. 89.

A. D. 1694.

enacted and ordained by the Authority aforesaid, That upon Complaint made to any Justice within this Island, of any heinous and grievous Crime, or felonious Act or Acts, committed or done by any Slave or Slaves, the said Justice shall issue his Warrant for apprehending the Offender, and all Persons or Slaves to come before him that can give Evidence; and if upon Examination it probably appeareth that the apprehended are guilty, he shall commit him or them to Prison; and also within ten Days after the said Commitment, certify, to the next Justice of the Quorum to him, (if he be not of the Quorum himself) the Cause, and to require him by Virtue of this Act, and he is upon such Certification hereby required to associate himself to him, and they so associated, are hereby impowered and required to try the said Offender or Offenders, within five Days after the said Certification, at such Place as they shall appoint, and cause the Offender or Offenders and Evidences to come before them:

Justice of Peace, on Complaint, to apprehend, and, on probable Evidence, commit criminal or felonious Slave;

Within ten Days to certify Commitment to, and associate neighbouring Justice.

See No. 527. sect. 2. 3. 4. 5. 6. 7. 13.

II. And if the said Justices (one whereof to be of the Quorum) upon hearing the Matter, shall adjudge the Criminal or Criminals guilty of the Offence complained of, the said Justices shall give Sentence of Death, or such other Punishment as the Crime deserveth, and forthwith by their Warrant cause immediate Execution to be done, by such Slave or Slaves as they shall appoint, in such Manner as they shall think fit; and if the Crime committed shall not deserve Death, they shall condemn or adjudge the Criminal or Criminals to the Party or Parties injured, and to his, her, or their Heirs for ever, after they have received such Corporal Punishment as the Justices aforesaid shall appoint, unless the Owner shall pay to the Parties injured, such Sum or Sums of Money, at such Time or Times as the Justices shall appoint.

See No. 527. sect. 8. 9. 11.

See No. 527. sect. 10.

See No. 527. sect. 12.

III. And the Owner or Owners of all Slaves apprehended, as aforesaid, shall pay all manner of Fees and Charges, thereby becoming due, to any Officer or Officers within this Island, and upon Refusal, the Justices aforesaid are hereby impowered to issue forth an Execution to levy the same upon the Owner or Owners' Goods and Chattels, according to the Laws and Customs of this Island, as in case of Debt after Judgment obtained.

See No. 527. sect. 14. 15.

Dated in Antigua the tenth Day of May, in the sixth Year of the Reign of Their Sacred Majesties WILLIAM and MARY, King and Queen of England, &c. Anno Domini one thousand six hundred ninety four.

CHRISTOPHER CODRINGTON.

WILLIAM BARNES, Speaker.

6th W. & M.

Nis. 90—94.

A. D. 1694.

No. 90. *An Act to sell the Estate of Mr. Timothy Lyddiat for the Payment of his Debts.*

PRIVATE.

Dated 21st June, 1694.

No. 91. *An Act to appoint Lawyers' Fees, and to prevent excessive Costs and dilatory Suits by Means of their Insufficiency or Neglect.*

OBSOLETE.

Dated 22d December, 1694.

No. 92. *An Act to sell the Estate of Nathaniel Barnes, deceased, for the Payment of his Debts.*

PRIVATE.

Dated 15th February, 1694.

No. 93. *An Act for naturalizing Anthony Montoyro of this Island, Merchant, being an Alien born.*

CONFIRMED
25. Feb. 1696.
PRIVATE.

Dated 9th October, 1696.

No. 94. *An Act appointing where the Laws of this Island shall lodge, and obliging the Secretary and Marshal to give Security for the true and faithful Performance of their Offices.*

CONFIRMED
25. Feb. 1696.

PREAMBLE.
Want of a de-
termine
Place for the
Custody of
Acts a Public
Inconveni-
ence.

WHEREAS no Place hath been heretofore appointed for the lodging and securing the Acts of this Island, so that His Majesty's Subjects have been at no Certainty where to find the same, and take Copies thereof, to their great Detriment and Inconveniency: For Remedy whereof for the future:

II,

8th WILL. III.

No. 94.

A. D. 1696.

II. Be it enacted and ordained by the Chief Governor, and Council, and Assembly of this Your Majesty's Island of *Antigua*, and it is hereby enacted by the Authority of the same, That from and after the Day of the Date of this Act, as well the Original Laws heretofore made and enacted, as those that shall hereafter be enacted, shall be lodged in the Secretary's Office of this Island, in the Town of *St. John's*, and not elsewhere; and the Secretary for the Time being, shall at all Office Hours be ready to shew all or any of the said Acts, when thereunto required by any of His Majesty's Subjects, as may or shall have Occasion to view the same; and shall give Copies thereof, or any Clause in any of them contained, for which he shall be allowed Eight-pence *per* Sheet, accounting sixteen Lines in a Sheet, and fourteen Words to a Line; and that he shall likewise be allowed for drawing, comparing, and examining any Copy, containing the whole Body of the Laws, with the Originals, fifty Shillings Current Money, and no more.

III. And to the End His Majesty's Subjects may be fully satisfied, no Imbezzlements, Razure, or Defacement of the said Acts, or any of them, shall for the future be committed in the said Office:

IV. It is enacted and ordained by the Authority aforesaid, That the Secretary of this Island, and his lawful Deputies that shall act in his Room or Stead, shall give-in Bond, with good and sufficient Security, to our Sovereign Lord the King, His Heirs, and Successors, in the Penalty of five hundred Pounds Current Money, in the following Condition:

THE Condition of this Obligation is such, That if the above bound A. B. Secretary, his Deputy or Deputies, and each and every of them, shall and do well and faithfully execute and perform the Offices and Places of Secretary and Clerk of the Inrollments for this His Majesty's Island of *Antigua*; and also faithfully and truly keep and preserve in his said Office, all and every the Original Acts of this Island, and all other Writings and Evidences now in the said Office, or that shall be elsewhere found and placed there; as also whatever Acts, Evidences, and Writings, shall be hereafter made and delivered into his Custody, so that His Majesty's Subjects may have Recourse thereto; and likewise pay all Damages, which shall or may accrue to any Inhabitant or Inhabitants of this Island, or other, by their Misdoings or Defaults in the said Execution of the said Offices and Places, and that shall be recovered on any Action commenced for the same, at any Time within two Years after committing any such Default or Defaults, as aforesaid; and that if in all Things else, the said A. B. his Deputy or Deputies, and

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each

ACT.

Laws to be
lodged in the
Secretary's
Office in *St.*
John's.

Secretary to
permit their
Inspection at
Office Hours,
and give
Copies.

His Fees 8d.
for each 224
Words, &c.

To prevent
Concealment
or Falsification
of Acts,

Secretary to
give Bond in
500l. to the
King.

Conditioned to
preserve Ori-
ginal Acts and
other Writ-
ings faithfully,
and pay all Da-
mages incur-
red by Default.

each and every of them, do comply with the Duties of the said Offices and Places, according to the Trust reposed in them, and according to the Laws of this Island in such Cases made and provided, that then the above Obligation to be void and of no Effect, or else to remain in full Force and Virtue.

Marshal or Deputy to give Bond in 500^l. Penalty, recorded with the Chief Justice.

V. And forasmuch as great Harms and Damages have already accrued unto the People of this Island, through the wilful Mistakes, or negligent Performances of the late Provost Marshal of this Island, to prevent the like Abuses for the future, be it enacted and ordained by the Authority aforesaid, That the Provost Marshal of this Island for the Time being, or his lawful Deputies, that shall act in his Room or Stead, shall give-in Bond, with good and sufficient Security, to our Sovereign Lord the King, His Heirs and Successors, in the Penalty of five hundred Pounds Current Money, in the Condition (*mutatis mutandis*) before mentioned, which said Bonds shall be recorded in the Register's Office of this Island, and then lodged in the Hands of the Chief Justice for the Time being, who is hereby appointed and authorized to take the same from the said Officers respectively, as aforesaid, there to remain Cautionary for the Security of the Inhabitants of this Island, from all such Losses and Damages, as any Person or Persons shall or may hereafter sustain.

Such Bonds to be taken in the King's Name, in Trust for aggrieved Persons.

On Judgment on the Bonds, no Execution to issue till the Person complained of be summoned to shew Cause against it. The Plaintiff to have Execution only to the Amount of his Damages.

The Judgment to remain Cautionary for Satisfaction of others.

VI. Provided always, and it is hereby declared to be the true Intent and Meaning of this Act, That the said Bonds so given, as aforesaid, shall be taken in the King's Name, but are hereby declared to be only to and for the Use, and in Trust for the Person or Persons concerned; and that when any of the said Bonds shall be put in Suit, and Judgment thereupon obtained, the Judgment shall remain in the same Nature the Bonds were, and that no Execution issue out thereupon, before the Person aggrieved shall, by *Scire Facias*, or other Process, summon the Person or Persons against whom the Judgment aforesaid is obtained, to appear and shew Cause why Execution should not issue upon the said Judgment; and if the Plaintiff in the said *Scire Facias* shall duly prove what Damages he hath sustained, and thereupon a Verdict be found for him, the Judge shall in such Cases award Execution for so much as the Jury shall then find, and no more; and the former Judgment is hereby declared still to remain Cautionary, for the Satisfaction of such other of His Majesty's Subjects as shall legally prove themselves damnified, and recover the Damages as aforesaid by due Course of Law; and if any Judgments have been already obtained, and thereupon Execution taken out for the

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No. 94.

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the whole Sum mentioned in the Bond, that in such Cases the said Judgment remain in force, but that all Process thereupon do surcease and be stopped; and that no Benefit be had of the said Judgment, before the *Scire Facias* be taken out, and the Damages legally proved as aforesaid.

Executions on such Judgments never to issue but according to the Process above.

VII. And be it further enacted by the Authority aforesaid, That the Secretary, or his Deputy for the Time being, be obliged to give his due Attendance at his Office, from eight to eleven in the Morning, and from two of the Clock to five in the Afternoon, except on *Sundays*, and such Holidays as are usually observed in this Island, under the Penalty of twenty Shillings, Current Money of this Island, for each Default, in not performing the same; one Moiety whereof to be to our Sovereign Lord the King, His Heirs, and Successors, for and towards the Support of the Government of this Island, and contingent Charges thereof, the other Moiety to the Informer, to be recovered in any Court of Record, by Action, Bill, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Secretary to attend Office at Times specified in Clause under Penalty of 20s. for each Default.

Application of Fine.

Recovered by Action.

No dilatory Plea.

VIII. And be it enacted, That neither the said Secretary or Marshal, their Deputy or Deputies, do or shall, from and after the fifteenth of this Instant *October*, presume to act or officiate his or their said Office or Offices, until he or they shall enter into the aforesaid Bond or Bonds, with the Condition before recited, upon Penalty of five hundred Pounds Current Money, for every Time he or they shall so officiate, or act in his or their said Office or Offices, to be recovered in any Court of Record in this Island, by Bill, Complaint, or Information, wherein no Essoign, Protection, Injunction, Wager of Law, or *Non vult ulterius prosecui*, shall be admitted or allowed; the one Half to be to our Sovereign Lord the King, His Heirs, and Successors, for and towards the Support of the Government of this His Majesty's Island, and the contingent Charges thereof, and the other Half to the Informer, or him that shall sue for the same; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

After 15 *October* Instant, Secretary or Marshal not to act without giving Bonds, under Penalty of 500/.

How recovered.

Application of Fine.

IX. Provided also, and be it hereby declared, That if the Secretary or Marshal, or his or their lawful Deputy or Deputies for the Time being, in this Island, shall enter into Bond or Bonds, as aforesaid, that then it shall be accounted sufficient to discharge him or them from entering into any other Bond or Security, required by the Acts of this Island; any Thing herein or in any other Act to the contrary notwithstanding.

Secretary or Marshal's Bond sufficient Security.

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Dated in *Antigua*, the tenth of *October*, in the eighth Year of the Reign of our Sovereign Lord WILLIAM, by the Grace of God of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. *Anno Domini* one thousand six hundred ninety-six.

CHRISTOPHER CODRINGTON.

JOHN LUCAS, *Speaker*.

No. 95.
CONFIRMED
22d Oct. 1700.
PRIVATE.

An Act to enable William Cochran, as Guardian of the Body and Estate of his Son Robert Cochran, and John Cochran in his own Behalf, to convey and sell several Parcels of Waste Land, late belonging unto Colonel Archibald Cochran, late of this Island, deceased, for the Payment of his Debts and Legacies.

Dated 13th July, 1697.

No. 96.
PRIVATE.

An Act enabling Henry Simes of the aforesaid Island, Gentleman, to convey and sell a certain Plantation, or Parcel of Land in this Island, late belonging unto Nicholas Rainsford, late of the same Island, Esquire, deceased, for the Payment of his Debts and Legacies.

Dated 1st September, 1697.

No. 97.
CONFIRMED.
AMENDED by
Act of 10th
April, 1740,
(No. 193.)
PREAMBLE.

An Act for regulating Trespasses.

WHEREAS the Inability of the poor Settlers in this Infant Colony is such, that they are not capable to fence in their several Plantations, and many Trespasses thereupon happened, to the great Prejudice and Discouragement of the said Inhabitants, and very great Dissentions and Ill-neighbourhood created thereby; for Prevention whereof,

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No. 97.

A. D. 1697.

whereof, we Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council, and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That each Justice of the Peace in each Division (or in the Parish whereto such Division belongs) is hereby authorized and required within the Space of two Months from the Date hereof, by and with the Advice of two or more of the Freeholders of the said Division, which said Justice is hereby authorized to call to his Assistance, in the most convenient Place of each Division, to lay out, and cause to be made and erected, a good and sufficient Pound: which said Justice is hereby (if need be) authorized to impress Artificers, or Negroes for erecting the same, and on finishing the said Pound, to give Certificate of the Desert or Earnings of such Person or Persons as were imployed, or impressed to erect the same, to the Treasurer of this Island, who is hereby authorized and required to pay the said Sum so certified to be earned, by the several Justices for building or making the respective Pounds, for each respective Division.

Justices and two Freeholders to lay out public Pounds and impress Artificers and Negroes to build them:

on Certificate of Justices, Treasurer to pay Expences.

II. And it is hereby further enacted, That any Cattle, Horses, Asses, or Sheep, that shall not be so secured by the Owners thereof as to prevent their rambling into, and trespassing upon, any of their Neighbour's Lands and Plantations, shall and may be taken up by Order of the Party damnified, and driven to the Pound of the Division wherein such Trespass was done, and the Pound Keeper shall, on the Delivery out of the said Stock or Cattle, receive of the Person, who owns, Eighteen-pence for each Horse, Beast, or Ass, and Nine-pence for each Sheep, under the Number of eight, and Three-pence for all above, for each twenty-four Hours, or any Time under the Space of twenty-four Hours, they shall remain in the said Pound respectively; for which said Fees the said Pound Keeper is, and shall be hereby bound and obliged to provide sufficient Meat and Water for such Stock so impounded for the Space of forty-eight Hours, on Penalty of paying the Owner (after receiving the same into Custody) double the Value of each Beast, Horse, or other Stock, dying in the said Pound by his Neglect of providing of such sufficient Meat and Water for them, as aforesaid: to be recovered by Bill, Plaint, or Information, in any Court of Record in this Island, where no Essoign, Protection, or Wager of Law shall be allowed: if the said Sum be less than one thousand Pounds of Sugar Value, then by Order of a Justice of Peace.

Trespassing Beasts may be taken by the injured Party's Order, and pounded.

Pound Keeper's Fees.

Pound Keeper to feed and water Beast for 48 Hours, on Penalty of double the Value of Beast dying for want.

To be recovered by Action if above 1000 lb. of Sugar; if under, then before Justice.

III.

Persons kill-
ing trespass-
ing Cattle (ex-
cept Hogs and
Goats) to for-
feit double
Value.

To be recover-
ed as above.

Justices to
issue Warrant
to three Free-
holders to ap-
praise Dam-
ages;

and to direct
Execution for
double the
Damages
found, &c.

Appraiser not
executing
Precept, to
forfeit 30s.

Application of
Fine.

Levy.

In case of
Damage by
Cattle too wild
to be pound-
ed, on Proof,
Justice to
award double
Damages;

III. And be it further enacted by the Authority aforesaid, That any Person who by himself, Servant, or Slave shall kill, wound, or destroy any Stock (Hogs and Goats only excepted) though found in Trespass, shall, on Proof thereof, forfeit to the Owner or Owners of such Stock, double the Value of the same: to be recovered by Action of Debt in any Court of Record in this Island, if more than one thousand Pounds of Sugar Value; if a less Sum, then before one Justice of the Peace.

IV. And it is also hereby further enacted by the Authority aforesaid, that all Justices of the Peace are hereby authorized and impowered in all Cases of Trespasses of Stock, to issue forth Warrants to three Freeholders of the same Division; which said three Persons (or any two of them) shall view, and appraise the Damages; and on Return of the Damages found by the said Appraisers, the said Justice is immediately to grant Execution, directed to the Constable of the said Division for double the Damages so returned, forthwith commanding him to execute the same (on Refusal of the Defendants not presently paying the Damages according to Appraisement and Judgment given) on the Goods and Chattels of the said Defendant, and a Warrant therewithal to two Freeholders, to appraise upon Oath (to be administered by the said Justice) the Value of such Goods and Chattels taken in Execution; which said Goods and Chattels, or so much of them, as will satisfy the said Judgment, the aforesaid Officer is immediately to deliver to the Party grieved (if the Defendant shall not otherwise satisfy the Complainant) and the Overplus, if any, to deliver (after Charges deducted) to the Owner thereof.

V. And if the abovesaid Officer or Appraisers shall refuse or neglect to execute the several Precepts directed to them, and Oath made thereof, every one that maketh such Default shall forfeit thirty Shillings for each Neglect or Refusal; the one Half to the Person grieved, the other to the Churchwardens for the Use of the Poor where the Fact was committed, immediately to be levied on their Goods and Chattels by Warrant under the Justice's Hand.

VI. And whereas several Herds of Cattle, Horses, and Sheep, for want of being used to Penns in the Night, are become so wild, that on Occasion of a Trespass by them made, cannot, by the Persons damnified, readily, or with great Difficulty, be so secured as to be drove to any of the publick Pounds: Be it enacted by the Authority aforesaid, That in such Case upon satisfactory Proof made to a Justice of Peace, as aforesaid, of the Damages done by the aforesaid Stock,

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Stock, and the respective Person to whom they belong, that in such Case, notwithstanding the said Stock is not pounded, it shall be in the Power of the respective Justices to award to the Party complaining double Damages, as before recited in this Act, provided it exceed not the Sum of one thousand Pounds of Sugar; otherwise to be relieved at Common Law, as aforesaid.

But if above 1000lb. of Sugar, relief to be at Common Law.

VII. And forasmuch as the aforesaid Cattle, Horses, Asses, and Sheep, that are not used to be penned, belong generally to such Persons that have little or no Interest where the Damages are committed, whereby to distrain and make Satisfaction to the Party grieved: Be it enacted by the Authority aforesaid, That in such Case upon Proof made of the Damages, as aforesaid, before the Justice of the said Parish or Division where the Damages were committed, that then the said Justice shall, under his Hand, certify to a Justice that lives or resides in the Parish or Division where the Person dwells, or where his Interest lies, that did the Damages; which said Justice shall, upon such Certificate, give Judgment, and issue forth Execution; which said Execution (Notice being first given to the Defendant) is to be executed, and all the Proceedings thereon in Manner and Form aforesaid.

If Trespass of Cattle be in one Division, and Owner reside in another, Justice where Damage is, to certify it to Justice where Owner lives, who must give Judgment and issue Execution, (after Notice to Defendant) as before directed.

VIII. And to the End that all Persons may be fairly dealt withal, and that no indirect Means may be used: Be it further enacted, That the Pound Keeper (after the impounding any Cattle, Horses, Asses, or Sheep) shall, in forty-eight Hours after such impounding, give Notice to the Owner or Owners of the Cattle, Horses, &c. (if such Owner or Owners can possibly be known) to the Intent he may make Satisfaction for the Damages committed, and redeem the Cattle, Horses, &c. so impounded; and if the Pound Keeper shall not give Notice, as aforesaid, he shall lose the Benefit of his Fees for that impounding, but in Case he the said Pound Keeper shall give Notice, as aforesaid, he shall receive from the Person he has so given Notice, Satisfaction for his Pains.

Pound Keeper not giving Notice to Owner in 48 Hours to lose Fees;

but giving Notice to be paid for it.

IX. And be it further enacted, That after Notice given as aforesaid, the Party or Parties that own the said Cattle, Horses, Asses, or Sheep, may find and provide Provisions and Water for their Cattle, Horses, &c. so impounded, if the said Owner or Owners think convenient, and upon their so doing the said Pound Keeper shall take and receive after, for every twenty-four Hours the Cattle, Horses, Asses, or Sheep remain impounded, and so in Proportion for a less Time, the Sum of Two-thirds of the Fees before mentioned respectively; and in Case the said Owner or Owners do not provide

After Notice the Party may provide for his Cattle.

Pound Keeper's Fees, where Owner provides, to be Two-thirds of Fees in Sect. 2.

Pound Keeper to provide, if Party

Food

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Party does
not, under Pe-
nalty in Sect.
2. for Beast
dying.

Pound Keeper
finding Pro-
visions to have
double Fees.

If Cattle lie
till Damage
and Fees equal
or exceed
their Value;

Justice by two
Freeholders,
to value and
give them to
Pound Keeper
and Party in-
jured, accord-
ing to Sums
due.

Persons in-
terested res-
cuing Cattle
to forfeit
treble Dama-
ges.

Persons not
interested to
forfeit, for Res-
cue, quadru-
ple Damages.

Insolvent Res-
cuers to be
bound over to
next Sessions
to receive Pu-
nishment.

Food and Water for the said Cattle, Horses, Asses, and Sheep, after Notice given, as aforesaid, that then the Pound Keeper shall provide that which is necessary, under Forfeiture for every Beast that shall miscarry by the Pound Keeper's Neglect, as is before set down in this Act, and the said Pound Keeper shall receive for his Pains in providing Food and Water for the said Cattle, Horses, &c. respectively, double the Fees first mentioned in this Act, for each twenty-four Hours that they shall after such Notice lie impounded.

X. And whereas the Cattle, Horses, Asses, and Sheep may by some Means or other lie impounded so long, that the Fees to the Pound Keeper and Damages done, may be more or equal to the Value of the Beast or Beasts impounded, that if then in such Case it shall so appear to a Justice of the same Parish or Division where the impounded are, upon the Appraisement of two Men Freeholders, which said Justice is hereby impowered to appoint such Persons, by Warrant under his Hand, and to receive their Oaths, to make a true Value to the best of their Judgments, that then the said Justice shall condemn and award the said Beast or Beasts so impounded to the Pound Keeper, and the Person or Persons that has received the Damages to his or their proper Use, to be divided according to their respective Sums due.

XI. And be it further enacted by the Authority aforesaid, That if any Cattle, Horses, Asses, and Sheep, shall be rescued and drove away when they are going to be impounded for Damage and Trespass done, if it be by any White Servant or Servants, Slave or Slaves, belonging to the Owner of such trespassing Cattle, &c. or by the Owner or Owners themselves, such Owner or Owners shall forfeit treble Value of the Damages done, to be recovered by the Justice's Execution of the same Division or Parish where the Damage and Trespass was committed, and the Proceedings upon the said Execution, and all other Things relating thereunto, as is before set down in this Act; and if it shall be done by any Person or Persons, their Servant or Servants, Slave or Slaves, not interested in the Cattle, &c. such Person or Persons, shall then forfeit four Times the Value of the Damage or Trespass done, to be recovered by the Justice's Execution, in all Respects as is before expressed; all which said Forfeitures, shall be Two-thirds to the Person or Persons grieved, and the other Third to the Churchwardens for the Use of the Poor of the Parish, where the Trespass was committed; and in Case such Person or Persons are not capable to pay such Forfeitures, that then the said Justice bind him, her, or them over to the next General Sessions

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Sessions or Quarter Sessions, to receive such Punishment as to the Justices there shall seem meet.

XII. And be it further enacted by the Authority aforesaid, That if it shall so happen that the Damages for Rescuing of Cattle, &c. drove to the Pound, or for Pound Breach, or for Long-lying of the Beasts in the Pound, with the Damage for Trespass done, be more than one thousand Pounds of Sugar or Tobacco, or six Pounds five Shillings in Money, that in all such Cases the Justice shall proceed to Judgment and Execution, as is before specified in this Act, in like Manner as for the Sum under one thousand Pounds of Sugar, or six Pounds five Shillings; and so likewise shall the Justice do upon the same Occasion, when it is done by Certification from one Justice to the other, where the Party hath Nothing in that Division or Parish to be distrained to make Satisfaction where the Trespass or Damage was committed.

XIII. And be it further enacted, That if any Person or Persons, or his or their Servant or Servants, Slave or Slaves, shall break any Pound wherein any Beast or Beasts are then at that Time impounded for Trespases done, that then such Person or Persons shall be (by the Justice of the said Parish or Division where the Pound Breach was committed) bound over, with good Sureties to the next General Sessions, there to make such Satisfaction to the Persons injured for such Pound breaking, as also to pay a Fine to the King, or receive such other Punishment as the Justices then sitting shall think fit.

XIV. And whereas the most Trespases that probably can or may be committed, will fall upon the poorest Sort of People of this Island, and that by this Act there will be no further Proceeding by a Justice for the Person grieved to receive Satisfaction, if the Damages amount to more than one thousand Pounds of Sugar, but the Person damnified is driven to his Course at Common Law, which oftentimes proves very tedious and chargeable, sometimes by Delays, and othertimes for want of the Evidences ready:

XV. Be it therefore further enacted by the Authority aforesaid, That in all such Cases where the Damage shall by the Appraisers be more than the Sum of one thousand Pounds of Sugar, that the Justice of the said Division or Parish where such Damage or Trespass was committed, shall order by Warrant under his Hand to two honest Freeholders of the said Division, upon their Oaths, to be administered by the said Justice, faithfully to appraise the Damage committed, the said Justice shall certify the same under his Hand, which shall be good Evidence to a Jury, without any further

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Trouble,

When Damages exceed 1000lb. of Produce, or 6l. 5s. in Money, by Rescue, &c. then Justice may proceed to Judgment and Execution as where Damages are under that Sum.

Persons breaking Pound to be bound over to Sessions to satisfy Party injured, and pay Fine or be punished by Justices

RECITAL,

Where Party poor, though Damages exceed 1000 Pounds of Sugar, Justice may order two Freeholders to appraise Injury;

and Certificate of Justice to be good Evidence to Jury,

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Jury, who are
to try Issue the
first Court.

Trouble, which said Jury shall try the same the first Court the Action is commenced; always provided, the same be brought in good Time in the same Court where the Action ought to be tried.

Pound Keeper
not to receive
strayed Cattle
without Note
from Party in-
jured:

XVI. And to prevent all Injuries by Negroes, or other Persons pretending to take up Strays, be it enacted by the Authority aforesaid, That no Pound Keeper presume to take or receive into his Pound any strayed Stock whatsoever, except from the Hand, or with a Note under the Hand of some Person or Persons interested in, or Owner of some Plantation in the same, or some adjoining Division, or having Oversight or Management of some Estate therein; but shall apprehend, or in twenty-four Hours give Notice to the next Justice of the Peace, of all Persons that shall bring in Strays not qualified, as aforesaid, as Persons suspected to have stolen, or carried them away from their Owners; upon which Information it shall be in the Power of the said Justice, to issue forth his Warrant for the apprehending such suspicious Person or Persons, as aforesaid, and on Examination of the Matter, to award such Punishment as the Nature of the Offence doth require.

but to appre-
hend unau-
thorized Per-
sons bringing
Strays, on
Suspicion of
Theft; and
Justice may
award Punish-
ment.

Lands set
apart for
Pounds to be
appraised by
three Free-
holders;

XVII. And be it further enacted by the Authority aforesaid, That whatever Lands shall be employed or taken up for the Use of the several Pounds before mentioned in this Act, shall be valued and appraised by any three Freeholders of the Division in which the said Land is, which Freeholders shall be appointed by the Justices of this Island respectively, and upon Certificate by the said Justices, as aforesaid, of the Value of the said Land, the Treasurer for the Time being, without any further Order, is hereby fully authorized and impowered to pay the same out of the Publick Stock of this Island.

Treasurer on
Justices' Cer-
tificate to pay
the Value.

If one Pound
to each Divi-
sion not re-
quired, Judges
may appoint
fewer.

XVIII. And it is further enacted by the aforesaid Authority, That whereas each Division in this Island, may not peculiarly require a Pound to itself, that it may, and it is hereby declared to be in the Power of the respective Judges aforesaid, to order and appoint (as before recited in this Act) the erecting a fewer Number of Pounds than what is before mentioned, if they shall think it so necessary and convenient; any Law, Usage, or Custom to the contrary notwithstanding.

Dated in *Antigua*, the first Day of *September*, one thousand six hundred ninety-seven, and in the ninth Year of the Reign of King
WILLIAM,

9th WILL. III.

Nis. 97—100.

A. D. 1697.

WILLIAM, over *England, Scotland, France, and Ireland*, Defender of
the Faith, &c.

CHRISTOPHER CODRINGTON.

GEORGE GAMBLE, *Speaker*.

An Act enabling Cornelius Halloran, *Executor in Right* No. 98.
of his Wife, and Nathaniel Crump, *Executor of the* CONFIRMED
last Will and Testament of John Brunkhurst, late of 22d Oct. 1700.
this Island, deceased, to convey and sell twenty-five PRIVATE.
Acres of Land late belonging to the said John Brunk-
hurst, for the Payment of his Debts.

Dated 25th November, 1697.

An Act for establishing of Courts, and settling due Methods No. 99.
for the Administration of Justice in this Island. REPEALED
by Act 22d
Dec. 1698,
No. 110.
See Act of 21st
Jan. 1791,
No. 475.

Dated 7th December, 1697.

An Act for annexing Negroes and several other Chattels to No. 100.
the Freehold; directing Methods for the better securing REPEALED
the Payment of Debts, and the further encouraging by Act 22d
Dec. 1698,
No. 110.

Dated 17th December, 1697.

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Nis. 101, 102.

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No. 101.
OBSOLETE.

An Act for ascertaining the several Bounds of Land within this Island, and confirming several Sales made by the Treasurers and Churchwardens, for Debts due to the Public and Parishes.

Dated 17th December, 1697.

No. 102.

CONFIRMED
22d Oct. 1700.EXPLAINED
by Act of 9thMay, 1743,
(No. 196) andALTERED by
Act of 21stMarch, 1767,
(No. 293.)For DUTIES
ON FOREIGNPRODUCE, see
also Act of12th June,
1721 (No. 169.)

An Act for raising an Impost on all Liquors imported into this Island.

WHEREAS since the first settling of this Island, it hath been a Charge to the Inhabitants to raise and erect Forts and Platforms, and maintain several Guarders and other necessary Conveniences, which hath occasioned (even from the Infancy of Time here) an annual and constant Charge on the Inhabitants thereof: And whereas it hath hitherto been accustomed for the Council and Assembly of the said Island (in order to defray Part of their yearly and unavoidable Charge) to levy an Impost on all Liquors imported for Sale into this Island, which Laws, Acts, and Ordinances made to that End are expired with this present War, and since it is of absolute necessity, as well for paying our great and publick Debts contracted, and yet due and unpaid, by Means of the late unhappy War, as also for the future Support and Maintenance of the Government of this Your Majesty's Island:

From 19th
Nov. 1697, all
Liquors to pay
the Duties fol-
lowing:

(Every Part
of this Act re-
lating to Ma-
deira and Wes-
tern Island
Wines, with
Act 10. March,
1726, (No. 185)
increasing

II. We Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council, and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That from and after the nineteenth Day of *November* last past, all the following Liquors which have already been, or hereafter shall at any Time be imported into this Island, shall pay the Rates and Duties hereafter mentioned, to Your Majesty, Your Heirs, and Successors, for and towards the Support and Maintenance of the Government of this Your Majesty's Island, and no otherwise; that is to say, *All Madeira Wines, forty Shillings per Pipe; all Wines imported of the Growth of the Western Islands, and Madeira mixt with any of the Wines of the Western Islands, four Pounds Current Money a Pipe;*

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Pipe; every Tun of French, Rhenish, or Spanish Wines in Cask, eight Pounds of like Money, and two Shillings a Dozen bottled; every Tun of Beer, Ale, or Cyder in Cask, forty Shillings, and twelve Pence a Dozen bottled; every Gallon of Mum, four Pence; every Gallon of Brandy, two Shillings and six Pence; every Gallon of Rum, two Shillings; and so proportionably for a greater or lesser Quantity, to be to the Uses aforesaid.

increasing the Duties, has been repealed by Act of 21st March, 1767, (No. 293.) Rate of Duty on French, Rhenish, or Spanish Wines; Beer, Ale, Cyder; Mum; Brandy; Rum. See No. 196.

III. And it is further enacted by the Authority aforesaid, That if any Master, Owner, or Commander of any Ship, Ships, or other Vessel or Vessels, Merchant, Factor, Purser, Mariner, or any other Person whatsoever, shall, without the Presence of the Collector of the said Impost (or some Person appointed by him, or Notice given him, or before his or their regular Entry made with the said Collector, or Payment of the Duty) put on Shore, or put into any Boat or Vessel, or over the Side, or otherwise convey out of any Vessel, any of the Liquors mentioned or assessed in this Act, with Intention to land the same, the said Liquors shall be forfeited to His Majesty for the Support of the Government of this Island, the two-third Parts thereof to be paid into the Treasury, and the other third Part thereof to the Informer or Seizer, be it the Receiver, his Agents, or any other Person whatsoever, to their own proper Use and Behoof; and all Manner of Persons are hereby required to be aiding and assisting to the Receiver, his Agents, the Informer, Discoverer, and Seizer of such Liquor so landed or unladen contrary to the true Intent and Meaning of this Act.

Liquors unladen before Entry or Payment of Duty, forfeited Two-thirds to Treasury, and a Third to the Informer.

All Persons to assist Receiver, Informer, &c.

IV. And it is further enacted by the Authority aforesaid, That it shall and may be lawful for the Receiver, his Agents, the Informer or Discoverer (by Virtue of a Warrant from any of His Majesty's Justices of the Peace to that Purpose first obtained) with one Constable or more to search all Manner of Houses, Cellars, Warehouses, and Shops, or any other suspected Places for such Liquors as they or any of them shall be informed were carried there to be concealed, in prejudice to the true Intent and Meaning of this Act; and such Liquors so found shall be forfeited, as before mentioned. Provided, That the Search be made within three Days after Information. The said forfeited Liquors to be condemned in any Court of Admiralty, or any other Court of Record in this Island.

Authority to Receiver or Informer with Warrant from Justice to search for Liquors concealed.

Provided Search be in three Days after Information.

V. And it is further enacted, That the Receiver or Collector of the Impost in this Island, shall be chosen and appointed by and with the

Receiver or Collector to be appointed by

by Governor,
Council and
Assembly.

Collector to
administer
Oath to Mas-
ter or Mariner
entering Ma-
deira Wines.

the Consent of the Governor in Chief, the Lieutenant or Deputy Governor, President or Presidents, and the Council and Assembly of the said Island; and the said Collectors and every of them, are hereby impowered and required (upon the Master of any Vessel, or any other Persons making Entry of any *Madeira* Wine) to administer the following Oath to the said Master, Boatswain, or any other Person belonging, or that during the Voyage did belong, to the said Vessel, in which the same is imported.

OATH.

I A. B. do swear, *That the Wines now entered for Madeira, were taken on Board at the Island of Madeira, and that I do not directly or indirectly know, but that the said Wines are of the Growth of the said Island, without Mixture of the Wines of the Western Islands.*

SO HELP ME GOD.

On Refusal of
Oath, Wines
to be deemed
Western
Island, and
pay accord-
ingly.

And if the Master, Boatswain, or any other Person required, shall refuse to take the said Oath, that then the said Wines so imported shall be deemed and taken to be Wines of the Growth of the *Western* Islands, and pay Impost accordingly.

Collector not
to give Certi-
ficate of Clear-
ance till Mas-
ter and other
proper Person
on Board
make

VI. And it is further enacted, That no Collector or Collectors of the said Impost in this Island, shall discharge or give any Certificate to any Master of any Vessel whatsoever, that hath imported any Liquors, for the clearing him in the Naval or Secretary's Office, until the said Collector or Collectors hath or have sworn the Master, and such other Person or Persons as did or do belong to the said Ship or other Vessel in Manner and Form following:

OATH, de-
claring no
Liquors were
unshipped pri-
vately, &c.

I A. B. do swear, *That no more Liquors were imported, landed, or put over the Side, or otherwise conveyed out of the said Vessel called by me, or by my Order, or by any other Person whatsoever, with my Knowledge, Consent, Conveyance, or Privity, directly or indirectly, but that the Entry made is the just, true, full and complete Quantity of all and every the Liquors imported, landed, or put over the Side, or otherwise conveyed out of the said Vessel, that I do any ways know of.*

SO HELP ME GOD.

Collector giv-
ing Certificate
without admi-
nistering the
Oath, to for-
feit his Office.

And if any Collector aforesaid shall any ways discharge any Master, or other Person or Persons, or give Certificate for the clearing any Vessel importing any Liquors, before they have taken the said Oath, he shall forfeit the said Office, and for ever after be held incapable and debarred of officiating the same.

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80 Nis. 102, 103.

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VII. And it is further enacted and declared by the Authority aforesaid, That no other Impost or Custom on any Liquors imported into this Island, than what is mentioned and ascertained in this Act, shall be paid and received by any Person whatsoever in this Island.

Repeal of all other Imposts on Liquors.

VIII. And be it further enacted by the Authority aforesaid, That in case any Persons importing Liquors into this Island shall have any sour, on Board, or become unmerchantable by Decay, or within one Month's Space after Landing the same, and before the Sale thereof; such Person or Persons on swearing before the Collector of the said Duties that such Liquor or Liquors all of it grew so sour and decayed within one Month after Landing, or on board said Ship in a Month after Arrival, and that he, nor none for him, to his Knowledge or Privity, have used any Means or Way whatsoever to make such decayed or sour Liquors more in Quantity by any Increase of the same, in order to defraud His Majesty or the Publick of any Duties or Impost laid on Liquors by this Act, shall have the Duty or Impost by this Act laid on all Liquors remitted by the said Collector of Impost, for all such Liquors so soured or decayed on Board, or on Shore unsold, as aforesaid, without any further Order than the Authority given by this Act for remitting the same.

Duties to be remitted on Liquors souring or unmerchantable, if Oath made that they decayed in a Month, and that no Art was used to Increase the Quantity.

IX. And be it further enacted, That all Persons who shall export any Wines, after Landing, to any other Port or Place, from this Island, shall, on acquainting the said Collector of the Quantity they ship, and swearing after on Board to the true Quantity of full Cask so exported, have half the Duties of the same, by this Act imposed thereon, remitted them by the said Collector of the Impost (if exported in six Month's Time) without any other Order than is herein expressed.

On Wines exported within six Months after Landing, half Duty remitted.

Dated at the Town of *Parham*, the seventeenth Day of *December*, sixteen hundred ninety and seven, and in the ninth Year of the Reign of King WILLIAM over *England, Scotland, France, and Ireland*, Defender of the Faith, &c.

An Act appointing the Number of Assembly Men for this Island, the Manner of their Election, and for the better regulating the same.

No. 103.
REJECTED by the King.

Dated 29th January, 1697.

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Nis. 104—106.

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No. 104.
CONFIRMED
22d Oct. 1700.
PRIVATE.

An Act for naturalizing David Sweegle of this Island, Chirurgeon, and Martin Frett, Inhabitant of the same, being Aliens born.

Dated 4th February, 1697.

No. 105.
OBSOLETE.

An Act to prevent the Inconveniencies that may arise by the Expiration of the late Acts of Courts, dated the twenty-second Day of July, sixteen hundred ninety-two, and the Expiration of the Justices' Commission.

Dated 22d September, 1698.

No. 106.

CONFIRMED
22d Oct. 1700.
ENLARGED

AND AMENDED by Act of 10th April, 1746 (No. 198.) For the Laws on REGISTERING, see in Connection with this, Nos. 5, 198, and 275, the direct Register Acts; and Nos. 39 and 270, and the Statute of the LEEWARD Islands, (No. 32.) which relate incidentally to Registering.

Act confirms old Register Act, dated 13th April, 1668 (No. 5.) as far as not affected by this Act.

Governor, Council, and Assembly, to appoint Register.

An Act for the better Regulation and Settlement of the Register's Office.

FORASMUCH as by long Experience it hath been found that an Act, intituled, *An Act for establishing a Register's Office, and the several Fees that belong thereunto*, hath been very profitable and beneficial to the Inhabitants of this Island, and that the Continuation of the same, with some Alterations, Amendments, and Regulations, will be of no less Use and Service for the Time to come; We Your Majesty's most loyal and obedient Subjects, the Governor, Council, and Assembly of this Island of *Antigua*, do pray that it may be enacted, and be it enacted by the said Governor, Council, and Assembly of the Island aforesaid, and by the Authority of the same, That the said Act, intituled, *An Act for establishing a Register's Office, and the several Fees that belong thereunto*, and every Clause, Article, and Thing therein contained, and not made void, altered, repealed, or otherwise provided for in this present Act, is and for ever shall be confirmed, ratified, and established to all Intents, Constructions, and Purposes whatsoever.

II. And be it further enacted by the Authority aforesaid, That the Person who for the Time to come shall execute the Office of Register, shall be appointed, impowered, and authorized by the Commander

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Commander in Chief, or by the Lieutenant Governor, Deputy Governor, or President for the Time being, by and with the Consent of the Council and Assembly of this Island for the Time being, and not otherwise.

III. And be it further enacted by the Authority aforesaid, That the Person so appointed shall in no wise be capable of or qualified to execute the said Office, until he hath been duly sworn before the Governor in Chief, Lieutenant Governor, Deputy Governor, or President and Council for the Time being, in the Words following; viz.

Register not
to act till
sworn.

I A. B. do solemnly depose and swear on the Holy Evangelists of God, That I will well and truly serve our Lord the King, and the Inhabitants of this Island as Register of the same, so long as I shall continue in the same, to the best of my Skill and Knowledge, and according to the Laws of this Island in this Case made and provided, and that I will not do any Thing, nor suffer the same to be done, for Love, Recompense, or for Reward, nor will I receive any Deed, or suffer it to be recorded where there is a Deed already passed for the same, but in all Things will well and faithfully serve the Country.

His Oath.

SO HELP ME GOD.

IV. And be it further enacted by the Authority aforesaid, That in case the said Register or his Deputy shall, at any Time, act, do, or perform any Thing in his said Office to the Prejudice of any Person whatsoever, he shall forfeit double Damages, on due Proof made; to be recovered in any Court of Record in this Island by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed of, and all such Recoveries so made shall be and endure to the Use of the Person damnified, and not otherwise.

Register mis-
behaving to
forfeit double
Damages.

V. Provided always, and be it further enacted by the Authority aforesaid, That the said Register shall have full Power and Authority to appoint one Deputy, for the better Performing the Business of the said Office; which Deputation shall be in Writing, and under the Hand and Seal of the said Register, and in no ways to take Place till recorded both in the said Register's and Secretary's Office of this Island.

Recoverable
by Bill.

No dilatory
Plea.

Register may
appoint De-
puty, &c.

the Deputa-
tion to be re-
corded.

VI. And be it further enacted by the Authority aforesaid, That the said Deputy in such Manner deputed and appointed, shall execute all the Powers and Authorities to the said Register belonging, as fully and amply to all Intents and Purposes, as if the said Register was personally present and did the same; and whatsoever

Deputy to
have same
Powers as
Principal.

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the said Deputy shall lawfully act or do, in, about, or concerning the Premises, shall be held, taken, and accounted good, firm, and stable.

Register answerable for Deputy.

VII. Provided always, and be it further enacted by the Authority aforesaid, That the said Register shall always be answerable for, and liable to make Recompense and Satisfaction for any Damages sustained, either through the Negligence, Faults, or Mismanagement of such Deputy, in and about the Execution of his Office.

Conveyances not made by Register, if acknowledged before and testified by him, to be good, notwithstanding former Register Act No. 5. Sect. 4.

VIII. And be it further enacted by the Authority aforesaid, That all Deeds, Mortgages, Leases, and other Conveyances of Lands and Tenements on this Island, which have been acknowledged before the Register, or any of his Deputies, or to which he or they, or any of them, have subscribed as Witnesses, although the same were not actually made by the said Register, or his Clerk, in the said Office, pursuant to the beforementioned Act, intituled, *An Act for establishing a Register's Office, and the several Fees that belong thereunto*, are hereby ratified, allowed, and confirmed, and made good, as fully and amply as if the same had been made and executed according to the very Letter of the said Act; and all such Lands and Tenements as have heretofore been recovered by Course of Law, devised or bequeathed by Will, or otherwise descended, are hereby ratified and confirmed, to the present Possessors of the said Lands and Tenements, in as full and ample manner, as if Certificates thereof had been duly brought from the Secretary's Office, and entered in the Register's Office, as in and by the said Act is directed and appointed: Always provided, and it is the true Intent and Meaning hereof, That the foregoing Paragraph, or any Thing therein contained, shall not be construed or taken to create a better Estate to any Person or Persons concerned in the said Deed or Deeds, Will or Wills, Recovery or Recoveries, made by due Course of Law, than what is mentioned, set down, and expressed in the Premises aforesaid.

Lands recovered or coming by Descent, ratified to present Possessors without Certificate required by No. 5, Sect. 5.

This Act not to give better Title than the Deed or Will ratified gives.

No Conveyances of Land (except Wills) to be good till acknowledged before Register.

And by Act of 10th April, 1746. (No. 198.) Conveyances of Slaves to be registered.

IX. And be it further enacted by the Authority aforesaid, That from henceforth no Bargain, Sale, Mortgage, Lease, Conveyance, Assurance, or other Instrument of Writing, of what Nature, Kind, or Quality soever (Wills only excepted) whereby, or wherein any Estate in Lands and Tenements shall be assured, passed, conveyed, set, let, confirmed, released, altered, barred, enlarged, assigned, or any Ways transferred, from one Subject to another, shall be good or effectual in Law or Equity, or any Ways pleadable, or allowed to be pleaded in any Court on this Island, unless the same be acknowledged by the Vendor, Donor, Lessor, or other Person or Persons conveying

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or transferring the same, or by some Person or Persons lawfully im-
powered to acknowledge the same, before the Register himself for
the Time being, or such lawful Deputy as in and by the said Act he
hath Power and Authority to depute and appoint; which said Ac-
knowledgment shall be endorsed on the Backside of the said Deed,
Conveyance, or other Instrument of Writing, by the said Register or
his Deputy, together with the Day of the Month, and Year of
our Lord, in Words at large, and afterwards signed by the Re-
gister's own Hand, or Hand of his Deputy to be appointed as
aforesaid.

Acknowledg-
ment to be en-
dorsed and at-
tested by Re-
gister.

X. And be it further enacted by the Authority aforesaid, That
after such Acknowledgment and Endorsement as aforesaid, the said
Deed, Conveyance, or other Instrument of Writing, before the said
Register shall part with the same out of his said Office, shall be
duly and fairly registered and entered at large in a Book made of
good thick and durable Paper, to be kept for that Purpose.

When ac-
knowledged,
Register not to
part with Con-
veyance till
recorded.

XI. And to prevent all Disputes which may happen about the Pri-
ority of entering the said Deeds, Conveyances, or other Instruments
of Writing, or any of them, the Time of Acknowledgment shall be
deemed, esteemed, and taken to be the Time of the Entry or Re-
gistry thereof.

Time of Ac-
knowledg-
ment to be
deemed the
Time of Re-
gistry.

XII. And be it further enacted by the Authority aforesaid, That
from henceforth no Will wherein or whereby any Estate in Lands or
Tenements are devised, shall be allowed to be pleaded or admitted
for Evidence in any Court of Law or Equity, until the same be duly
proved before the Governor in Chief, Lieutenant, or Deputy Go-
vernor, or such other Person or Persons having Power to take the
Probate of Wills, and entered at large in the said Register's Office.

No Will devi-
sing Lands to
be Evidence,
till proved as
in Clause, and
recorded in Re-
gister's Office.

XIII. And forasmuch as Disputes may arise touching the Taking
of Probates of Wills heretofore made and proved, which may be of
great Prejudice to the Inhabitants, many of whose Estates derive from
the said Wills; to prevent which, be it therefore enacted and ordained
by the Authority aforesaid, That all Probates of Wills heretofore
made and taken before the Governor in Chief, Lieutenant or Deputy
Governor, President or Presidents, or Council of this Island, and re-
corded in the Secretary's Office of the same, or any or either of them,
shall be held, esteemed, reputed, and taken to be as good to all In-
tents and Purposes whatsoever, as if the said Wills, or any of them,
had been proved in the Prerogative Court of *Canterbury*; any Law,
Usage, or Custom to the contrary in any wise notwithstanding.

Former
Probates be-
fore Governor
or Council,
and recorded
in Secretary's
Office, to be as
good as if
proved in Pre-
rogative Court
of *Canterbury*.

XIV. And be it therefore further enacted by the Authority afore-
said,

Copies of
Deeds attested
by Register, to
be as good
Evidence as
the Originals.

Exception as
to Leases.

Conveyances
of Land (ex-
cept Wills)
made since
former Act,
and not al-
ready regis-
tered, if made
on the Island,
to be recorded
in six Months
after this Act.

If in any other
Part within
the Govern-
ment of the
Leeward Is-
lands, within
12 Months;

if elsewhere
out of the Go-
vernment of
the

said, That Copies of all Bargains, Sales, Mortgages, or other Deeds, or Instruments of Writing, and of all Wills, Warrants, Letters Patent, or other Instruments of Writing, which at any Time heretofore have been, or hereafter shall be, duly entered and registered in the said Register's Office, pursuant to any Clause in the said Act, intituled, *An Act for establishing a Register's Office, and the several Fees that belong thereunto*, or in this present Act directing the same, and attested by the said Register, or in his Absence, by his lawful Deputy for the Time being, shall be as good Evidence, and allowed to be pleaded in any Court, as if the Original was then and there exhibited; except Leases, which being Temporary in their own Nature, the Record shall be equal to the Original in Validity no longer than one Year after the Expiration of such Term in such Lease mentioned, or till the first Court after such Year expired; if no Court within a Year after the Expiration, as aforesaid; to the End that no Person may have trouble after the Original is complied with and cancelled.

XV. And be it further enacted by the Authority aforesaid, That all Bargains, Sales, Leases, Mortgages, and all other Deeds, Conveyances, Assurances, or other Instruments of Writing, heretofore made at any Time since the Date of the before mentioned Act, intituled, *An Act for establishing a Register's Office, and the several Fees that belong thereunto*, be the same of what Nature, Kind, or Quality soever, which have any Relation to, or doth any ways concern, any Estate in Lands or Tenements in Fee Simple, Fee Tail, or for Term of Life, or Years, hath been passed, assured, conveyed, transferred, released, altered, barred, or enlarged, or whereby any Right, Claim, or Demand whatsoever, have been released, or may at any Time accrue, arise, descend, or happen upon Contingencies, or otherwise (Wills only excepted) shall be entered and registered in the Office of the said Register, in Manner and Form following; that is to say, All such Bargains, Sales, and other Conveyances, and Instruments of Writing, herein before mentioned, and formerly made (as aforesaid) and executed on this Island, and not before registered, shall be registered at large within six Months after the Date of this present Act; and all such Bargains, Sales, Leases, Mortgages, and other Instruments aforesaid, heretofore made and executed in any other the Islands or Places within the Government of the *Leeward* Islands (not before entered) within twelve Months after the Date hereof, always accounting twenty-eight Days to a Month; and all such Bargains, Sales, Mortgages, and other the said Instruments of Writing beforementioned, which have

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have formerly been made and executed since the Time before limited in any other Island, Place, or Country, without the Jurisdiction and Government of the said *Leeward Caribbee* Islands (not before entered or registered) shall be entered and registered at large in the said Register's Office, within two Years after the Date of this present Act; and in Default of all and every such Entry, or Registering, in Manner and Form aforesaid, all such Bargains, Sales, Mortgages, Leases, and other Instruments of Writing, herein before more particularly nominated and expressed, whereby any Estate in Lands or Tenements may, can, or shall be claimed or demanded, as aforesaid, shall be utterly null, void, and of none Effect, both in Law and Equity, to all Intents, Constructions, and Purposes whatsoever, as fully, wholly, and absolutely, as if they or either of them had never been made or executed, and shall never be admitted as Evidence in any Cause or Case whatsoever; any Law, Custom, or Usage, to the contrary hereof in any wise notwithstanding.

the *Leeward* Islands, within two Years.

On Default of such Registry, to be void, and not Evidence.

See Clause in Act 9th Jan. 1676, No. 39. which limits certain Times to record Deeds.

XVI. Provided always, they be such Deeds, or other Conveyances, or Instruments of Writing, as there cannot be shewn a better Title for by the former or this present Act of Registry, and no otherwise.

Provided no Deeds, by due Registry, shew a better Title.

XVII. And to the End that all Persons concerned in the Registering such Deeds and Conveyances, and other Instruments of Writing, as aforesaid, within the several Times limited by this Act, may have the better Knowledge of the Paragraph relating thereto, the Secretary for the Time being, is to draw fair Copies of the said Paragraph, and affix the same on the most conspicuous Place within the several Towns of this Island, as also in his own, the Naval and Custom-house Offices, within ten Days from the Date of this Act, on Penalty for his Default therein, of forfeiting one hundred Pounds Current Money, to be levied by Warrant from the Governor in Chief, Lieutenant, or Deputy Governor, President or Presidents for the Time being, to be directed to the Provost Marshal, or his lawful Deputy for the Time being, to the Use of the Publick of this Island, and to no other Use, Intent, or Purpose whatsoever.

Secretary to post Copies of Section 15. in the Towns, Publick Offices, &c. in 10 Days from Act, under Penalty of 100/.

To be levied by Governor's Warrant,

for Publick Use.

XVIII. And be it further enacted by the Authority aforesaid, That the Clause in the aforesaid Act, intituled, *An Act for establishing a Register's Office, and the several Fees that belong thereunto*, for bringing Certificates from the Secretary's Office, of all Lands recovered by Course of Law, or devised by Will, or otherwise descended; as also one other Clause in the said Act, obliging all Deeds, Leases, Mortgages, and other Instruments of Writing, relating to Lands

Sect. 5. of old Act, No. 5. and Part of Sect. 4. repealed.

and

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and Tenements, to be made by the Register or his Deputy, and in his Office, are hereby repealed, and absolutely made void and of none Effect.

All Conveyances already recorded to be deemed as indented, and future Conveyances to be indented by the Register.

XIX. And be it further enacted by the Authority aforesaid, That all Instruments of Writing, between Subject and Subject, already recorded in the Register's Office, shall be taken, esteemed, and deemed as actually indented, notwithstanding any Words that shall be contained in any of the aforesaid Instruments of Writing do seem to the contrary, and for the future, all Instruments of Writing made in this Island, relating unto Lands, Bonds, Letters of Attorney (Wills excepted) shall be actually indented by the Register or his Deputy; and if it shall so happen, that any Deed or Instruments of Writing made in this Island, relating unto Land, written by any other Person than the Register, or his Deputy, and brought to be recorded in the Register's Office, and is not actually indented, the said Register or his Deputy, shall indent the same before the Recording thereof.

A Recorded Deed equal to Livery and Seizin.

XX. And whereas there may arise many Disputes concerning the Livery and Seizin of Lands, Tenements, and Houses purchased, as the Course of the Common Law requires in such Matters; for the Prevention whereof, and to ascertain the same, be it enacted by the Authority aforesaid, That all Instruments of Writing heretofore made, relating unto Lands, Tenements, and Houses, and recorded in the Register's Office, shall be to all Intents and Purposes equal to a Livery and Seizin, and shall be *tantamount* to the same.

Future Deeds to operate without Livery; pleading the Registry as good as Livery.

XXI. And all Deeds made in this Island for the future, and recorded in the Register's Office, shall operate according to the Purport of the said Deeds, without any Livery, and Seizin; and Pleading, the said Deeds to be registered in the Register's Office, shall be adjudged in any Court of this Island as Livery and Seizin, and to be as good in Law by such Pleading and Shewing, as aforesaid, as though Livery and Seizin were actually perfected, according as the Law in the strictest Sense can allow or construe the same; any Law, Usage, or Custom to the contrary notwithstanding.

Repeal of Proviso in Act of 21. July, 1692. (No. 83.)

XXII. And be it further enacted and ordained by the Authority aforesaid, That whereas by an Act, intituled, *An Act for the quieting the Inhabitants of this Island, in their present Possessions, and preventing litigious Law-Suits*, amongst other Things it is thereby provided in these Words: "Provided, the Purchaser do really and *bonâ fide*, without Fraud, pay for the same the true intrinsick Value of the said Purchase, or one Half Part at least:" which said Clause contained in the said Words, and every Part, being found inconvenient are hereby repealed,

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repealed, and made null and void to all Intents and Purposes whatsoever, as if the said Proviso had never been; any Law, Custom, or Usage to the contrary notwithstanding.

XXIII. Always provided, That all and every Clause and Clauses, Thing and Things, contained in the rest of the said Act, stand firm and good to all Intents and Purposes, according to the true Intent and Meaning thereof, excepting wherein this present Act, or any other already made in this Island, it is particularly mentioned to the contrary.

Said Act, No. 83, where not affected by this or any former Act confirmed.

XXIV. And whereas there is not yet in this Act Provision made of what the Register shall take and receive, for his Care and Trouble in his Employ aforesaid, be it, and it is hereby enacted by the Authority aforesaid, that the Register or his Deputy for the Time being, shall take and receive for all Manner of Writings by him registered, drawn, or attested, the several Sums following; viz.

Register's Fees.
For later Docket of Fees, see Act of 8th Feb. 1765 (No. 275) Sect. 1.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For drawing and recording a Deed of Bargain and Sale....	0	12	0
For recording a Warrant, Entry, and Surveyor's Return....	0	12	0
For drawing and recording a Mortgage.....	0	12	0
For drawing and recording a Deed of Gift.....	0	12	6
For drawing and recording a Lease with a Schedule.....	0	15	0
For recording a Patent.....	0	6	0
For recording a Will.....	0	6	0
For drawing and recording a Bond for Performance of Covenants.....	0	6	0
For drawing a Bill for Payment of Money.....	0	2	0
For drawing and recording a Power of Attorney for Sale of Land	0	12	0
For recording the Acknowledgment before the Judge.....	0	3	0
For a Probate indorsed on foreign Deeds, and the Deed itself	0	7	6
For drawing and recording Articles of Agreement relating to Land	0	12	0
For recording a Denization.....	0	12	0
For recording a Discharge indorsed on the Backside of a Deed	0	3	9

XXV. But in case any Writing shall be brought the Register to record or attest, for which a Fee is not here inserted, it is hereby declared, That it shall, and it is left to the Governor, Council, and Assembly, to appoint what and how much he shall receive; and where any Person shall employ another, save the Register, to draw any

See later Docket as above.

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Nis. 106—109.

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any Writing, he shall pay the Register or his Deputy half the Sum herein set down for Drawing and Recording, and besides give unto the Register three Shillings for his Attestation.

Dated at the Town of Saint John's the third Day of November, one thousand six hundred ninety-eight, and in the tenth Year of the Reign of King WILLIAM, over England, Scotland, France and Ireland, Defender of the Faith, &c.

JOHN YEAMANS.

GEORGE GAMBLE, *Speaker*.

No. 107. *An Act encouraging the Settlement of this Island with White People, and promoting the Importation of Servants.*
OBSOLETE.

Dated 3d November, 1698.

No. 108. *An Act for restraining and punishing Privateers and Pirates.*
OBSOLETE.

Dated 3d November, 1698.

No. 109. *An Act for electing an Agent, from Time to Time, for this Island, appointing a Recompence for his Trouble, and settling Methods for the better Management of that Trust.*
CONFIRMED
22d Oct. 1700.
AMENDED by
Act of 5th
Aug. 1800,
(No. 548.)

PREAMBLE.

Governor
concurring
with Legisla-
ture, to choose
annually

WHEREAS our Remoteness from the Court of England renders us under the Necessity of appointing some Person or other to negotiate the several Laws made in this Island for Confirmation by Royal Assent, or otherways appearing on our behalf, on many Occasions; we therefore the Deputy Governor, the Council, and Assembly of this Island, most humbly pray Your Sacred Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That the Commander in Chief, Governor, or President for the Time being, shall once every Year (or oftener if Mortality

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No. 109.

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Mortality shall so occasion) choose or nominate some fit Person, by and with the Consent of the Council and Assembly of this Island, to be their Agent, not only to represent their Affairs by soliciting at His Majesty's Court the Confirmation of such Laws as shall from Time to Time be transmitted for that End, but all other Matters and Things as shall at all Times be recommended by the several Persons authorized by this Act to that Purpose.

annually an Agent to solicit Confirmation of Laws and negotiate public Affairs.

II. And for the better Direction and Management of such, who shall happen to be from Time to Time so chosen or nominated, it is hereby enacted and ordained by the Authority aforesaid, That no Agent for this Island whatsoever shall observe or take Notice of any other Orders and Directions relating to His Majesty's passing the several Laws of this Island, transmitted to him by any Person or Persons whatsoever, but such only as he shall receive from the Commander in Chief of this Island, Governor, or President for the Time being, and the Speaker of the Assembly thereof, jointly signed by them; nor observe any other Order relating to any Remonstrance, or Complaint of any Grievance, except what shall come to him from under the Hand of the Speaker for the Time being, by the Advice and Consent of the Assembly; nor observe or take Notice of any Minutes of the Council and Assembly as copied out of the Assembly Book, but such alone as shall be signed by the said Speaker of the Assembly, and attested by the Clerk *pro Tempore* of the same.

Orders to Agent respecting Laws, must be signed by Governor and Speaker; Remonstrances, and Minutes by Speaker, attested by Clerk.

III. All which Orders and Directions being duly observed and kept by such chosen Agent, he shall have and receive for his Trouble and Care (to be remitted him by the Treasurer for the Time being, out of the Publick of this Island) *one hundred Pounds Sterling Money of England*, besides his needful Charges and Expences reimbursed by said Treasurer, who is hereby declared to have full Power and Authority to remit the same.

By Act of 5th August, 1800, (No. 548,) Agent's Salary is raised to 200l. Sterling, to be remitted, with Reimbursement for Expences, by Treasurer.

IV. And it is further enacted by the Authority aforesaid, That what Person soever shall happen to be first chosen as Agent for this Island, the Time of his Agency shall commence from the first Day of *January* next ensuing the Date of this Act, and continue for one whole Year, and no longer, except again chosen for the succeeding Year or Years, in Manner aforesaid.

First Agent's Salary to commence 1st Jan. 1699, and continue but one Year, unless re-elected.

V. And when at any Time after a new Agent shall be chosen by Virtue of this Act, it is declared to be the true Intent and Meaning hereof, That on such Choice or Alteration, notwithstanding the

New Agent to act after the Year till Orders arrive.

VOL. I.

S

Time

On Receipt of
such Orders
his Powers to
devolve on
Successor.

Agent to be
paid for Time
above a Year.

Speaker or
Member, if
sued by sup-
posed aggriev-
ed Persons for
Proceedings
under Act,
shall plead
General Issue,
and give Act
in Evidence.

Judgment to
be for Defend-
ant.

Time of the former Agent's acting should end by the Expiration of the limited Time of one Year, as aforesaid, yet the said former Agent is hereby fully authorized and impowered to negotiate all Affairs, pursuant to the aforegoing Directions, as fully and amply as if the said Time was not expired, until Orders to the contrary be given, by the Commander in Chief, Governor, or President for the Time being, with the Advice and Consent of the Council and Assembly of this Island, on the Receipt of which Order all the Power invested in such former Agent shall wholly cease and entirely devolve on the succeeding Agent, who shall be chosen, as aforesaid, in his Stead and Place.

VI. Always provided, and it is the true Intent and Meaning hereof, That the said Agent or Agents, who shall at any Time hereafter be so succeeded in their Stations, shall have and receive out of the Treasury of this Island, as aforesaid, a proportionable Allowance for such Surplusage of Time above one Year, as aforesaid, according to such yearly Appointment as is before set down in this Act, or otherwise agreed on with them by the Authority of the same.

VII. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall think themselves aggrieved by any Remonstrance or Complaint made pursuant to this Act, and shall endeavour a Remedy at Law against the Speaker, or any Member of the Assembly for any Thing contained in the said Complaint or Remonstrance, the said Speaker or any Member of the Assembly so molested, shall plead the General Issue, and give this Act in Evidence, which shall be received by the Justices and Jury, and be allowed by the Court, and Judgment shall be entered for the Defendant, which shall be a perpetual Bar to any such Plaintiff or Plaintiffs; any Law, Custom, or Usage to the contrary notwithstanding.

Dated at *St. John's* the two and twentieth Day of *December*, one thousand six hundred ninety-eight, and in the tenth Year of the Reign of King WILLIAM, over *England, Scotland, France, and Ireland*, Defender of the Faith, &c.

JOHN YEAMANS.

GEORGE GAMBLE, *Speaker*.

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Nis. 110—115.

A. D. 1698.

An Act for the establishing of Courts, and settling due Methods for the Administration of Justice in this Island. No. 110.

Dated 22d December, 1698.

REPEALED.
by subsequent
Acts.
See Act of
21st Jan. 1791,
(No. 475.)

An Act regulating the Militia.

Dated 22d December, 1698.

No. 111.
REPEALED
by Act of 28th
June, 1702,
(No. 131),
Sect. 21.

An Act regulating the Coin, and the Interest of Money in this Island. No. 112.

Dated 7th July, 1699.

OBSOLETE.

An Act Supplementary to an Act, intituled, An Act for establishing Courts, and for settling due Methods for the Administration of Justice in this Island. No. 113.

Dated 21st September, 1699.

REPEALED
by subsequent
Acts.
See Act of 21st
Jan. 1791,
(No. 475.)

An Act for the further encouraging the Settling of this Island. No. 114.

Dated 23d November, 1699.

OBSOLETE.
See Act of 28th
June, 1702,
(No. 127.)

A Supplementary Act to an Act for regulating the Towns and Harbours, and settling Markets in this Island. No. 115.

Dated 9th October, 1700.

OBSOLETE.
See Act of 28th
June, 1702,
(No. 126.)

No. 116. *An Act empowering and enabling the Honourable Edward Byam, Esquire, and John Otto, Gentleman, to make sale and dispose of a certain Island lying off Parham Harbour, called Long Island, and thirty-eight Acres in the Division of Falmouth.*

PRIVATE.

Dated 9th October, 1700.

No. 117. *An Act to enable Nathaniel Sampson, to sell the Moiety or Half-part of one hundred Acres of Land, situate in the Body Division, for Payment of Publick and Parish Taxes, and for the Maintenance and Education of John Davis, the minor Son of James Davis, deceased.*

PRIVATE.

Dated 9th October, 1700.

No. 118. *An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers, now to be disbanded, to continue therein, by enabling them to become Settlers amongst us.*

ENLARGED
by Act of 16th
Oct. 1701;
(No. 123.)
EXPLAINED
AND AMEND-
ED by Act of
10th June,
1747, (No.
199.)

For Laws PRO-
MOTING the
WHITE PO-
PULATION,
see Nos. 123.
127. and 199.
encouraging
Settlers; and
Nos. 153. 194.
206. 214. 295.
and 569. en-
couraging the
Importation
of Servants.

RECITAL.

WHEREAS Numbers of People are absolutely necessary to render a Place secure, especially this Island, where the many Inlets, Creeks, and Harbours it abounds with, makes it impracticable for the Inhabitants to erect Fortifications, by Means of the vast Expence requisite to render the same but tolerably defencible; and as Nothing contributes more to the Certainty of such Numbers, than the fixing small Freeholders in this Island to such a Degree as may balance, at the least, the Inconveniencies before mentioned:

II. And whereas likewise the Avarice of some Men hath induced them, under plausible Pretences, to procure themselves large Tracts of Land, altogether inconsistent with their Capacity of settling the same,

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No. 118.

A. D. 1700.

same, or the Probability of doing it hereafter; by which Means, when Taxes have been laid, the Burthen on such Quantities have become so grievous, that Ways have been found out to obviate and avoid the Payment; to the great Discouragement of the poorer, and other more useful Settlers, who were rendered thereby liable to an undue Proportion of those Publick Charges, which the Necessity of the late War so heavily drew on us; and in Regard the Generality of the Inhabitants do still lie under the same Hardships as to Payment of Publick Dues; and that many other smaller Parcels of Land occasioned by the Death of some, the Neglect of others, and the Desertion of many more, lie yet uncultivated, and, by not contributing to the yearly Funds for the necessary Support of the Government, become altogether useless to the Publick: To prevent which for the future:

III. Be it therefore enacted by his Excellency *Christopher Codrington* Governor in Chief of His Majesty's *Leeward Caribbee* Islands, and the Council, and Assembly of this His Majesty's Island of *Antigua*, and it is hereby enacted by the Authority of the same, That the Treasurer for the Time being shall forthwith draw-out fair Lists of all the Lands within this Island, which have been indebted to the Common Stock the Space of four Years or more, from the Date of this Act, mentioning the Sum due from each Parcel in the said Lists; and shall affix the same in some conspicuous Place in the Town of *St. John's*, *Parham*, *Falmouth*, and *Willoughby Bay*; to the End that sufficient Notice may be given to all Persons concerned, to bring and pay unto the Treasurer the Dues thereon accruing to the Publick; which if the Proprietors, by themselves or others, shall refuse or neglect to do, by the twenty-third Day of *March* next inclusive, the said Lands shall (*ipso facto*) from thenceforward become forfeited to His Majesty, His Heirs, and Successors; to be disposed of, from Time to Time, as hereafter set down in this Act, and to no other Use, Intent, or Purpose whatever, that is to say, All such Lands as aforesaid, or any other to be disposed of by Virtue of this Act, shall be distributed in Parcels of ten Acres, by the Governor, Council, and the Assembly of this Island for the Time being, for the Encouragement of poor Settlers, more especially the King's Regiment now to be disbanded, who is hereby declared to be first preferred to the Settlements aforesaid; any Law, Custom, or Usage to the contrary in any ways notwithstanding.

IV. And it is further enacted by the aforesaid Authority, to prevent Trouble and Charge in passing the Titles of the said Lands

ACT.
Treasurer to
post in Towns
Lists of Lands
which have
been indebted
to Common
Stock four
Years or long-
er.

Proprietors
not paying
Dues by 23d
March, 1701,
to forfeit their
Lands to the
Uses of Act.

Lands to be
distributed in
Parcels of 10
Acres, &c.

Warrants for
forfeited
Lands to be
recorded
to

recorded in
Register's Of-
fice in a dis-
tinct Book;

and with Sur-
veyor's Re-
turn to be a
sufficient
Title.

Lands so dis-
tributed not
to be subject
to Alienation
or Debt: on
Desertion or
Issue failing,
to revert, and
be re-disposed
of by the Au-
thorities of the
Island.

*Act 10th June,
1747, (No.
199,) sect. 1.
2. supplies De-
fect in this
Provision.*

Treasurer to
advance to
each Settler,
as a Loan, 3*l.*
in Money, a
Barrel of Beef,
and a Cask of
Flour.

Soldiers al-
ready Free-
holders not to
have addition-
al Grants.
Soldiers un-
provided to
have 6*d* per
Day Subsist-
ence till
Grants made.

to the Settlers thereof, That a Warrant directed to any Sworn Surveyor of this Island, to measure and lay out the same, signed by the Governor in Chief, Lieutenant, or Deputy Governor, or President of this Island, together with one or more of the Council, and the Speaker of the Assembly for the Time being, and recorded in the Register's Office of this Island, in a distinct Book appropriated to that Use, with each Surveyor's Return thereon, shall be deemed, and is hereby declared for ever to be a good Right to the Person to whom such Warrant is granted, and to the Heirs of his Body lawfully begotten for ever; and that the Title to all Intents, Constructions, and Purposes is to remain firm and valid, without any Patent, Deed, or other Conveyance, Grant, or Writing whatsoever.

V. Provided always, and it is the true Intent and Meaning thereof, That such Lands so disposed of shall not be liable to any Alienation by the Parties in Possession, by any Deed of Sale, or other Writing, or Manner or Way whatsoever; nor be subject to the Payment of any Debt, so as to be taken by Execution, or otherwise; but shall, on the Party's deserting it twelve Months to whom granted, or the Heirs of his Body aforesaid being extinct, revert to, and again vest in His Majesty, His Heirs, and Successors; to be from Time to Time, as often as it shall so happen, distributed to others, by the Governor, Council, and Assembly, as before recited, and not otherwise: any Law, Custom, or Usage to the contrary notwithstanding.

VI. And be it further enacted and ordained by the Authority aforesaid, That in regard to all Persons, but more especially Men of low Circumstances and Degree, the Beginning and first Entrance on Settlements are most troublesome and chargeable, the Treasurer for the Time being is hereby declared, without any further Order, to have full Power and Authority to advance out of the Publick Stock of this Island, by way of Loan, for twelve Months to each Person procuring a Warrant for Land, as aforesaid, in order to the better carrying on his said Settlement, three Pounds in Money, one Barrel of Beef, and a Cask of about two hundred Weight of good Flour.

VII. And that all Soldiers belonging to the King's Regiment, whether Supernumeraries or others, now in this, or any other the *Leeward* Islands within this Government (except those who are already Freeholders, who are hereby declared wholly exempt from the Benefit of any the before mentioned Grants) shall duly receive out of the Treasury of this Island, till Tender made of such Settlements, as aforesaid, or possessed of them, Sixpence *per* Day as an intermediate Assistance, to be paid Monthly by the Treasurer for the

12th WILL. III.

No. 118.

A. D. 1700.

the Time being, besides twelve Shillings to each Soldier for defraying his Passage from *Leeward*, who shall see Cause to remove thence, on the Encouragement herein laid down, to this Island; where all Persons taking Land, as aforesaid, shall not only be qualified as Freeholders by being exempt from Arrests, and giving their Vote and Suffrage, &c. as any other Freeholder in this Island whatsoever, but be no ways chargeable for Parish or Publick Taxes for the Space of three full Years after Possession of the same; any Law, Custom, or Usage to the contrary notwithstanding.

VIII. And it is further enacted by the Authority aforesaid, That whereas the Lands subject to Forfeitures by this Act, may not be sufficient to encourage such Numbers of Settlers as are requisite for the Defence of this Island, in case of an Irruption of War, that the Treasurer for the Time being, in the Name and to the Use of the Publick of this Island, shall purchase all such Quantities of Land, as shall be ordered from Time to Time, by the Governor in Chief, Lieutenant, or Deputy Governor, or President, and the Council, and Assembly of this Island, to be paid for out of the Treasury of the same, according to such Rates and Prices as shall be approved of by them, and no otherwise, which Lands so purchased shall for ever remain to the same Uses, Ends, and Purposes as before set down in this Act, and to be distributed and registered as before recited, and after no other Manner, nor to any other Use, Purpose, or Advantage whatsoever; any Law, Custom, or Usage to the contrary notwithstanding.

IX. And whereas Taverns, Victualling-houses, Punch-houses, Sloops, Shallops, and Boats belong to this Island, are for the most Part managed by Negroe Slaves, to the great Discouragement of White Men who want Employment; Be it therefore, and it is hereby enacted by the Authority aforesaid, That if any Victualler, Tavern-keeper, or Punch-seller, shall, from and after the twenty-third Day of *March* next, manage any of the said Employments otherwise than by White Men or White Boys, shall on Proof of the same, made by two credible Witnesses on Oath, before any Justice of the Peace of this Island, forfeit for each Offence thirty Shillings Current Money of this Island; and if any Owner of Sloop, Shallop, or Boat, as aforesaid, shall, from and after the twenty-third Day of *March* next, navigate or manage any the said Vessels with less than Three-fourths Whites of the Number of Mariners belonging to the same, shall, for each Transgression, on Proof, as aforesaid, forfeit thirty Shillings like Money; all which Forfeitures shall be forthwith levied on the Goods

Each Soldier to have 12s. for Passage from *Leeward*.

Such Settlers constituted Freeholders, and empowered to vote; and exempted from Taxes for three Years.

Governor empowered by the Agency of Public Treasurer to purchase additional Lands to like Uses.

After 23d March, 1701, Tavern-keeper, &c. employing any but White Men, to forfeit 30s. each Offence.

Owners of Sloops, &c. navigating with less than Three-fourths White Men to forfeit 30s. each Offence. Forfeitures to be levied by Distress.

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Nis. 118, 119.

A. D. 1700.

Goods and Chattels of such Victualler, Tavern-keeper, Punch-sellers, Owners or Owner, or part Owner of such Vessel or Vessels, as aforesaid, by Warrant from the Justice, before whom such Transgression or Offence shall be made appear, directed to a Constable, or the Provost Marshal of this Island; and for want of such Distress the Party or Parties so offending shall be committed by the said Justice to the Common Gaol, till the same be satisfied and paid, together with the Constable's or Marshal's Fees thereby accruing; one Moiety whereof to be and enure to the Treasurer for the Time being, for the Use of the Publick, the other Moiety or Half-part to go and remain to the Person or Persons who shall inform or prosecute for the same, as aforesaid; any Law, Custom, or Usage to the contrary notwithstanding.

If no sufficient
Distress, Of-
fender to be
imprisoned.

Half of Fine to
go to the Pub-
lic; half to In-
former.

Copies of Act
to be publish-
ed in all the
Islands under
the Govern-
ment.

X. And that all imaginable Notice may be further given to all Persons whose Lands may be subjected to Forfeiture by this Act, his Excellency *Christopher Codrington*, Esquire, Commander in Chief within this Government, is humbly requested to cause Copies hereof to be fairly drawn and transmitted to the respective Governors of *St. Christopher's Nevis, Montserrat, and Anguilla*, with Directions to publish the same suddenly after arrived there, three several Days, by beat of Drum in the Chief Towns of the said Islands, to the End that no room may be left such Proprietors for a Pretence of Surprise by such Forfeitures, as aforesaid.

Dated at *St. John's* the twenty-fourth Day of *December*, one thousand seven hundred, and in the twelfth Year of the Reign of our Sovereign Lord King *WILLIAM*, over *England, Scotland, France, and Ireland*, Defender of the Faith, &c.

CHRISTOPHER CODRINGTON.

GEORGE GAMBLE, *Speaker*.

No. 119.

OBSOLETE.

An Act to prevent Seamen belonging to His Majesty's Ships of War, or any other Merchant Ships or Vessels trading into or about this Island, from deserting the Ships or Vessels to which they belong.

Dated 12th April, 1701.

An

13th WILL. III.

Nis. 120—122.

A. D. 1701.

An Act to enable John Frye, Junior, and George Thomas, No. 120.
or either of them, to sell two hundred and forty Acres PRIVATE.
of Land, situate and lying in the Division of New
North Sound, for Payment of the Publick and
Parish Taxes, and selling the Surplusage for the
Maintenance and Advancement of Samuel Winthrop
a Minor.

Dated 12th April, 1701.

An Act to enable Alexander Crawford, Guardian of Eli- No. 121
zabeth Rolt, sole Daughter and Heir of James Rolt PRIVATE
late of this Island, deceased, to sell one hundred and
thirty Acres of Land belonging to the said Elizabeth
Rolt, for the Payment of the Debts due thereon, and
Support and Maintenance of the said Elizabeth.

Dated 11th August, 1701.

An Act to enable Henry Pearne, Esq; to aliene, grant, or No. 122.
devise the Plantation commonly called or known by the CONFIRMED.
Name of Blubber Valley, situate, lying, and being in PRIVATE.
the Parish of St. Mary's, in the Division of Bermu-
dian Valley, in this Island, or to charge the same
with Portions for younger Children.

Dated 12th August, 1701.

No. 123. *A Supplementary Act to an Act for the better Settlement of this Island with White People, more particularly by His Majesty's Soldiers lately disbanded in this Island, dated the twenty-fourth Day of December, seventeen hundred.*

For Laws promoting the WHITE POPULATION, see Nos. 118. 127. and 199. inviting the Ingress of Settlers; and Nos. 153. 194. 206. 214. 295. and 569, encouraging the Importation of Servants.

WHEREAS the greatest Part of those Soldiers who have been encouraged to become Planters in this Island, by having certain Proportions of Land, some Money, and other Assistance given them, whereby they might become honest and useful Settlers amongst us, have, instead of answering those good Ends, abused the Publick Bounty, and become idle and vagrant Fellows :

II. And whereas it is impossible the Commander in Chief and Treasurer of this Island should have all the Leisure necessary for inquiring and discovering which of the said Soldiers have begun to make their Settlements, and which of them neglect to manure their Lands, and by that Means render themselves unworthy of what has been already done for them, and what was further intended for their and the Publick Benefit.

III. We Your Majesty's most loyal and obedient Subjects, his Excellency *Christopher Codrington*, Esq; Captain General and Commander in Chief, the Council, and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Sacred Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That it shall be in the Power of the Governor in Chief, Lieutenant or Deputy Governor, or President, the Council or Assembly of this Island, after the Day of the Date of this Act, to nominate and appoint such and so many Commissioners, as to them shall seem convenient, who are hereby authorized and impowered at all Times hereafter to inquire into their several Divisions what Progress the several Soldiers have made in their respective Settlements so allotted them, and Return thereof to make to the Governor in Chief, Council, and Assembly.

IV. And be it further enacted by the Authority aforesaid, That if any of the said Settlements shall be neglected by the Space of six Months, such Lands shall reinvest in the King, His Heirs, and Successors, to be disposed of in such Manner, and to the same Uses, and no otherwise, as is declared in an Act, intituled, *An Act for the further*

Governor, &c. empowered to nominate Commissioners to inquire into State of newly settled Lands, and make Report.

Settlements neglected for six Months to reinvest in the King, and be disposed of according to Act of 24th Dec. 1700. (No. 118.)

13th WILL. III.

Nis. 123—126.

A. D. 1701.

further promoting the Settlement of this Island, and more particularly encouraging the King's Soliders now to be disbanded to continue therein, by enabling them to become Livers among us. Dated the 24th of December, one thousand seven hundred; any Thing in this or any other Act to the contrary notwithstanding.

Dated at *St. John's*, the sixteenth of *October*, one thousand seven hundred and one, and in the thirteenth Year of the Reign of King WILLIAM, over *England, Scotland, France, and Ireland, &c.*

CHRISTOPHER CODRINGTON.

GEORGE GAMBLE, *Speaker.*

An Act for the further encouraging the Settlement of this Island. No. 124.

OBSOLETE.
See Act of 28th
June, 1702,
(No. 127.)

Dated 5th November, 1701.

An Act declaring the Oath of a Constable.

Dated 5th November, 1701.

No. 125.
REPEALED.
See Oath substituted in Act
of 14th Oct.
1791 (No. 478.)

An Act for regulating the Towns and Harbours, settling of Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same. No. 126.

AMENDED by
Act of 25th
Nov. 1757,
(No. 212.)
REPEALED
IN PART by
Act of 14th
Dec. 1792.
(No. 484.)

WHEREAS the Want of Cross Streets and Lanes to pass from Street to Street in the several Towns of this Island, and proper Allotments of Land for Market Places, have hitherto been much wanted, to the great Incommodity of the Inhabitant, as well as transient Persons, which has proved a Discouragement to Trade and Commerce:

II. We Your Majesty's most loyal, dutiful, and obedient Subjects, His Excellency Christopher Codrington, Esq; Captain General and Com-

1st ANNE.

No. 126.

A. D. 1702.

Provost Marshal, under Writ from Governor, to summon Jury of Freeholders and a sworn Surveyor,

to lay out in the Towns, the Streets, Lanes and Market-Places wanted.

Lands laid out to be valued by said Jury.

Owner to be paid from Public Treasury.

Houses standing where Public Buildings or Places have been appointed, to be removed in three Years;

If Lands taken for Public Uses with Buildings, Buildings to be removed in three Years.

mander in Chief in and over His Majesty's *Caribbee* Islands, the Council, and Assembly of this Your Majesty's Island of *Antigua*, humbly therefore pray Your Most Sacred Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Provost Marshal of this Island, by Writ under the Hand of the Commander in Chief, Lieutenant or Deputy Governor, or President of this Island for the Time being, to the said Marshal or his lawful Deputy directed, to summon, and cause to appear, twelve Freeholders of any of the Towns of this Island, with a sworn Surveyor, who are and shall be hereby fully authorized and impowered to lay out, in the respective Towns in which their Freeholds do lie, so many Streets, Lanes, and Market-Places as they shall find wanting, so as may be most commodious, and as little detrimental to the Inhabitants as may be; which Streets, Lanes, and Market-Places, so laid out by the Oaths of the said Jurors, or which have been heretofore laid out by Virtue of any former Act or Order of the Government, are and shall be hereby confirmed to the said Uses for ever.

III. And it is also enacted and ordained by the aforesaid Authority, That the Provost Marshal, by the Oaths of the said Jurors, shall value and appraise the said Lands so laid out (if belonging to any Persons having legal Grants for the same, and not on said Jury) according to the true Value of each respective Parcel so taken up for the Uses aforesaid; and the Owner or Owners are and shall be hereby intituled to the Value so returned, out of the Publick Treasury of this Island, and the Treasurer for the Time being, is hereby fully authorized and impowered to pay the same without any further Order.

IV. And it is hereby further enacted by the Authority aforesaid, That if any Timber House or Houses, or any Part of such Buildings do stand where any such Streets, Lanes, or Market-Places are already appointed to Publick Uses, in such Case a Passage or Lane shall be allowed to go as near by the said House or Houses as may be, and the Owner or Owners shall be hereby obliged, in three Years from the Date hereof, to remove so much of the said House or Houses as stand thereon.

V. But if any Land should be hereafter taken up for the aforesaid Uses, in which any Buildings shall stand, a Passage shall be allowed, as aforesaid, and the Owner or Proprietors thereof, shall be obliged in three Years from the Time of the Lands so taken up, to remove the same, or it shall be lawful for any of the said Surveyors of the Town, where such Building shall stand, to pull the same down, together

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together with such other Buildings now standing on any Ground allotted to the Uses aforesaid, if not removed in the limited Time of three Years from the Date hereof.

VI. Provided always, That a Jury be first called, after the said Limitations be expired, to value the same, together with the Land so taken, on which the said Buildings or any Part thereof shall be erected; and that the Owner or Proprietors thereof be also paid for the same out of the Publick Treasury of this Island, pursuant to the Directions of this Act, and not otherwise; any Law, Custom, or Usage to the contrary notwithstanding.

When Time expires, the Land and Buildings to be valued and paid for by the Public.

VII. And it is further enacted by the Authority aforesaid, That all Persons who have already encroached on any the known Streets or Lanes of the several Towns within this Island, building in Part or the Whole thereon, shall remove said Buildings in one Year from the Date of this Act; and that all Persons who shall hereafter encroach on said Streets, &c. as aforesaid, or shall erect thatched Buildings in any Part of the Towns of this Island, and do not remove the same in one Week after Notice given, it shall be in the Power of said Surveyors, or any one of them respectively, forthwith to direct the pulling them down, without any Satisfaction or Reparation made or to be made for the same.

Existing Encroachments on Streets to be removed in one Year.

Future Encroachments or thatched Buildings, in a Week after Notice; or be pulled down without Compensation.

VIII. And it is further enacted by the Authority aforesaid, That the Surveyor shall draw a Platt of the Towns of this Island, as they shall be, from Time to Time, laid out by the said Jurors, and the same record, or cause to be recorded, in the Register's Office of this Island, for all Persons to have recourse to as Occasion shall require; and that the Provost Marshal and Surveyor aforesaid, shall receive reasonable Satisfaction for their doing what is hereby required, out of the Publick Treasury of this Island.

Surveyors to draw Platts of Towns, laid out by Jury, and register them.

IX. And be it also enacted by the Authority aforesaid, That all Persons now holding Proportions of Land in any of the said Towns, or who shall have hereafter Grants for the same, shall be obliged to build a framed and shingled House of thirty Foot in Length, and fifteen Foot in Breadth, or a Stone or Brick House at least of the same Dimensions, in the Time limited by the said Grant, or else shall absolutely forfeit all manner of Title to such unbuilt Proportions, to such Person or Person, who, on a new Grant given, shall build the same, and who shall be the true and lawful Owners thereof for ever.

Grantees of Land to build House in Clause, or forfeit to new Grantees.

X. And if any Grant has been heretofore given for Town Lands, without a certain Limitation for building therein set down, it shall be deemed,

Previous Grants without limited Time,

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Time, to be
built on in six
Months.

Two Town-
wardens or
Surveyors,
annually cho-
sen in each
Parish, em-
powered to as-
sess *Lands*
built on with
Tenements,
not exceeding
25s. yearly
and *unbuilt*
Lands 12s. in
Money or Ne-
gro Labour;

to be expend-
ed in Public
Conveniences
and Improve-
ments.

Town War-
dens liable to
Presentments
for Neglect.

Landlords re-
fusing to pay
Assessment, to
suffer double
Distress; in
Default of
Goods to be
imprisoned.

Tenants to
pay for Land-
lords, and de-
duct Tax from
Rent.

Persons
throwing Bal-
last any where
about Har-
bours, but into
the Place ap-
pointed, to for-
feit 50l.

Act of 25th
Nov. 1757,
(No. 212.) s.3.
appoints the
East End of
Rat Island, and
provides
stronger Regu-
lations.

deemed, held, understood, and allowed to be as a Limitation for six Months from the Date of such Grant, and no otherwise; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

XI. And it is hereby also enacted, That the Vestry of *Saint John's* Parish, and the other Vestries of this Island respectively, if they think convenient, shall, each Year, so soon as they have chosen Churchwardens, proceed to choose two Townwardens or Surveyors, who are to have Charge of the said Towns and Harbours thereto belonging, and who, on Notice from the Constable of their being chosen, shall be sworn by some Justice of the Peace, equally to assess, according to the best of their Judgments and Consciences, and being sworn, shall have Power to tax or assess each Proportion of Land with a Tenement thereon, according to the yearly Rent, not exceeding twenty-five Shillings *per Annum*, and unbuilt Proportions any Sum annually, not exceeding twelve Shillings each, either Money or Negroes' Labour, for building Shambles, making Common Sewers, mending the Streets, cleaning the Town Lands, digging and cleaning Ponds therein for Water, and other Publick Works and Conveniencies for the Good and Benefit of the Towns; which said Town Surveyors are hereby declared liable to Presentments and Amercement, equal with all other Surveyors, on Neglect of their Duty.

XII. And if any Freeholder in the said Towns, or Owner of unbuilt Proportions, shall neglect or refuse to pay such Assessments, as the Town Surveyors shall lay on them pursuant to this Act, all and every Justice and Justices of the Peace of this Island, are hereby impowered to give Warrants to the Constable to distrain double the said Assessment, and not finding any Goods to distrain, the Owner or Proprietor of such Proportions, as refuses to pay, to attach and imprison, until Payment thereof, with reasonable Charges, be made, which said Assessments all Tenants are obliged to pay for their Landlords, and to deduct the same out of their Rent.

XIII. And be it further enacted by the Authority aforesaid, That any Person that shall throw out of his Ship or Vessel, any Ballast in any Place within *Saint John's* Harbour, or any other the Harbours belonging to the Towns of this Island, without first carrying the same in a Boat to such Place of the Shoar within the said Harbours, as the said Surveyors, with the Advice of the Vestries aforesaid respectively, shall direct and appoint, shall for every such Offence forfeit fifty Pounds Current Money of this Island, the Half to the Churchwardens to the Use of the Poor of the Parish where such Fault is committed, and the other Half to the Informer, to be recovered before two Justices of the Peace,

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Peace, who are hereby impowered to swear and examine all Persons as well as Masters of Vessels, as others, in order to detect such Injuries done to the Harbours, and to commit all Persons refusing to swear, until they take their Oaths; and upon Discovery of any Persons throwing out Ballast, or any other Rubbish in the said Harbours, the said Justices are to certify the same to the Naval Officer, who is, on Penalty of paying the Fine of such Persons so offending himself, not to give a Let-pass or a Clearance of the said Vessel, out of which the Ballast hath been thrown, until the said Fine of fifty Pounds be paid as hereby directed.

Justices to certify Offender against Clause, to Naval Officer, who, on Penalty of paying Fine himself, is not to clear Vessel till paid.

XIV. And the said Naval Officer is hereby required, to cause the Paragraph of this Act relating to the throwing out of Ballast, or the Substance thereof, to be written in a large Character, and hung up conspicuous to all Strangers, in the Naval, Custom-house, and Secretary's Offices.

Naval Officer to post Clause XIII.

XV. And it is further enacted by the Authority aforesaid, That the Town Wardens or Surveyors mentioned in this Act, shall, twice every Year, or oftener, if thereunto required, give a just Account to the several Vestries, how the Money received and collected by them, is from Time to Time disposed of.

Town Wardens to account to Vestry.

XVI. And the said Wardens or Surveyors are hereby declared not to have any Power or Authority to disburse or lay out the said Assessments, otherwise than as they shall receive Directions from the said Vestries respectively; any Law, Custom, or Usage to the contrary notwithstanding.

To make Disbursements, but by Direction of Vestry.

XVII. And be it further enacted by the Authority aforesaid, That the Market-Days in the several Towns be held on Tuesdays, Thursdays, and Saturdays, and that the Rules of regulating the Markets, and the Clerks thereof, be as followeth: That no Market shall begin till eight of the Clock in the Morning, and that the Clerk of the Market shall cause a Bell to be rung at the said Hour to give Notice thereof.

Act of 14th Dec. 1792. (No. 484,) repeals this and four following Clauses, substituting other Regulations.

XVIII. That no Person sell any fresh Meat in any of the Towns but in the Market, and that not before the Clerk's Bell is rung to give Notice for Sale; and that no Person do refuse to cut any Piece of Beef not less than three Pounds for the Poor or Sick, or any usual Joint thereof, or of any other Meat being unsold in the Market, for any Person who shall offer Money at Market Price, and desires the same; that no Butcher, Victualler, or Tavern-keeper, do sell any fresh Meat in Town, but in the Markets, and that giving or lending by any of them be esteemed selling.

REPEALED.

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REPEALED.

XIX. *That the Clerks of the Markets do take no Fees for any Meat killed in the Country, and sold there to the Neighbourhood, nor more than once a Year for sealing Weights and Measures, on Forfeiture of fifty Shillings Current Money for a Breach of any of the said Rules, to be paid by the Persons so transgressing, so often as they shall offend therein.*

REPEALED.

XX. *And be it further enacted by the aforesaid Authority, That no Person or Persons sell any fresh Meat above the Rates hereafter mentioned: Beef at Six-pence per Pound, Turtle and Hogs' Flesh at Six-pence per Pound, Veal and Mutton Nine-pence per Pound, and young Chote Seven-pence Halfpenny per Pound, on Penalty of three Pounds Current Money Forfeiture each Time offending; that all Chote exceeding nine Pounds a Quarter be esteemed Hog, and so sold, and that no Flesh be sold as Veal, except the Clerk of the Market really approve it as such, who shall have a Discretionary Power, on seeing a slender Market and many Buyers, to distribute the Meat in Proportion, so that all may have some, and that each Butcher or Cutter-up of the said Meat refusing to obey his Order, forfeit forty Shillings.*

REPEALED.

XXI. *And in case any Butcher or other Person shall bring Meat to any of the Towns on other Days than the set Days of Sale before recited, they shall be obliged to the Rules of the Market, on Penalty of the Forfeiture, for Non-compliance, before set down in this Act; or if any Butcher refuse to kill a Veal, Hog, Sheep, or Tortoise for three Shillings, or a Cow, Bull, or Ox for nine Shillings, shall for each Offence forfeit two Pounds Current Money; any Law, Custom, or Usage to the contrary notwithstanding.*

Stinking Provisions to be burnt, or thrown into the Sea, at Owner's Charge.

XXII. *And be it also enacted and ordained by the Authority aforesaid, That all Provisions stinking and decayed, (either Fish, Flesh, or any other Kind,) so as to become noisome, shall be viewed by four Inhabitants, summoned by Warrant from the Clerk of the Market directed to the next Constable; on Return of any three of which, on Oath, if required by the Owner of the said Provisions, that such Provisions are a Nuisance, they shall forthwith, by Order of the said Clerk, be burnt or thrown into the Sea, and the Owner or Possessor thereof, be obliged to pay such Charge, as any Justice of the Peace shall judge reasonable for destroying the same.*

Places of Common Cryer, and Common Whipper, annexed to the Office of Clerk of Market.

XXIII. *And whereas the Office of Clerk of the Market is very troublesome and of small Advantage, be it therefore enacted by the Authority aforesaid, That the Offices and Places of Common Cryer and Common Whipper, in the respective Towns in this Island, be added thereto, with all the Fees, Perquisites, and Advantages belonging, or which shall hereafter belong to the same; and that no Person whatsoever*

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whatsoever presume to take on him the Execution of the said Offices, till first commissioned thereto by the Commander in Chief, Lieutenant or Deputy Governor, or President of this Island, for the Time being, and until he be also first sworn before the said Commander in Chief, Lieutenant or Deputy Governor, or President, or any two of the Council, faithfully to discharge his said Offices and Places pursuant to the Rules of this Act, or any relating to the Markets of this Island, or which shall hereafter be made concerning the same.

Person executing them must be commissioned by Chief Authority, and sworn.
His Oath.

XXIV. And to the End that no wrong be done in the Distribution of Meat in the said Markets by false Balances, no Person shall henceforward presume to use any Steelyards therein, on Penalty of forfeiting twenty Shillings each Time, to the Use of the Clerk of the Market for the Time being; any Law or Custom to the contrary notwithstanding.

Steelyards not to be used under Penalty of 20s. to Use of Clerk of the Market.

XXV. And whereas setting of Fish-pots, Tortoise, and other Fish-nets for catching of Fish in and about this Island, is found of very great Use and Benefit, be it therefore enacted and ordained, That whosoever shall rob, steal, and carry away any Fish-pot, or Fish-nets, or Fish out of any or either of them, and thereof be convict either by being taken in the Fact, or other Proof made before any two Justices of the Peace to their Satisfaction, the Person or Persons so convict shall be publicly whipped throughout *St. John's* Town, or any other Town of this Island next to which the Fact was committed, on the next Market Day after Proof made, as aforesaid; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

Offender stealing Fish-pots, &c. or their Contents, to be whipped on Market Day following Conviction.

XXVI. And for the regulating many Enormities frequently committed by the Inhabitants of this Island, as well Whites as Blacks, and more especially in and about the Town of *St. John's*, a Cage, Pillory, Stocks, Whipping-post, and Ducking-stool, are much wanting, be it therefore enacted by the Authority aforesaid, That the said Conveniencies be forthwith erected in the said Town of *St. John's*, at the Publick Charge, and in the rest of the Towns of this Island, when the Number of Inhabitants and Necessity shall hereafter require the same, in such Place or Places in the said Towns, as shall from Time to Time be appointed by a Committee of the Council and Assembly to that Purpose; always with regard that if the said Conveniencies should happen to be put upon Land belonging to any of the Inhabitants of the said Towns, or Property of any other Person whatsoever, it shall be in the Power of the said Committee,

A Cage, &c. to be forthwith erected in *St. John's*; and in the other Towns when necessary;

if put on Land private Property, the Value to be paid out of the Public Stock.

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mittee, or the major Part of them (the whole consisting of three of the Council and six of the Assembly) to value such Land, and upon a Certificate of such Value, the Treasurer for the Time being is hereby empowered to satisfy the same out of the Publick Stock of this Island, without any further Order.

Justices in Sessions, or any three out of Sessions, empowered to appoint Fees of Common Whipper.

XXVII. And that the Common Whipper may not want a due Reward for his Trouble in punishing Offenders by confining them in the said Cage, Pillory, &c. or by inflicting other Punishments as shall be appointed by the lawful Command of the Magistrate, the Justices in Sessions, or any three Justices out of Sessions, are hereby declared to have full Power and Authority from Time to Time, and at all Times hereafter, as Occasion shall require, to allot such Fees and Rewards as they shall judge reasonable; any Law, Custom, or Usage to the contrary notwithstanding.

Standard Weights and Measures to be appointed; to remain with Clerk of the Market.

XXVIII. And whereas many Disputes have lately arose concerning the Justness of Weights and Measures, for regulating whereof, and to avoid the like for the future, be it further enacted by the Authority aforesaid, That the said Committee, or the major Part of them, have and are hereby declared to have full Power and Authority to appoint Standards for all Weights and Measures now practicable in this Island; which Standards are to remain in Custody of the said Clerks of the Markets, and all other Weights and Measures to be regulated by them.

Receiver of Money, or any Commodity weighed, to place it in which Scale he thinks fit.

XXIX. And whereas in Beams and Scales, especially for weighing Money, there is not found an exact Equality, whereon many Disputes have arose, to prevent which for the future, it is hereby declared to be in the Option of the Receiver to take the Advantage of the Scales, by placing the Money or Goods in which Scale he thinks fit; any Law, Custom, or Usage to the contrary notwithstanding.

Night Watch appointed in *St. John's* to consist of four Men and a Constable; to have the same Power as the Watch in *London*.

XXX. And whereas the Town of *St. John's* consists wholly in Timber Buildings, and daily increases in Shops and other Conveniencies of Living, for the better Security whereof, be it enacted and ordained by the Authority aforesaid, That for the future a constant Night Watch be kept in the said Town, to prevent as much as may be the Accidents of Fire, Breaking-open Shops, and other Inconveniencies the same is subject to; that the said Watch do consist of four Men and a Constable, who shall have the same Power and Authority as is allowed on such Occasions in the City of *London*; and that there be four Constables at least belonging constantly to the said Town of *St. John's*, to be yearly appointed by the Justices in Sessions, or any two Justices out of Sessions, as Occasion shall require;

Four Constables, yearly appointed, to be constantly in *St. John's*.

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require; which said Constables are hereby declared to have full Power and Authority to regulate the said Watch, which is to be composed of Men to be found by the Owners or Housholders of the Tenements of the said Town (*viz.*) each Housholder or Owner one Man so often as it shall come to his turn, according to the Regulation of the said Constables, or any three of them.

XXXI. And in case any Constable shall refuse serving in his turn yearly as aforesaid, he shall for each Offence forfeit five Pounds Current Money of this Island; and each Housholder refusing in his or her turn to supply an able Man on the Watch, shall forfeit six Shillings for each Default.

Constable refusing to serve to forfeit 5l.
Housholder not furnishing a Watchman in turn to forfeit 6s.

XXXII. And whereas it is convenient there should be a certain Place to meet at to set the said Watch, the Committee aforesaid is hereby further impowered to appoint a Place in the said Town for the erecting a convenient Watch-house, and to cause the same to be set up as soon as conveniently may be, and to be paid for out of the Publick Stock of this Island, by Virtue of a Certificate from the said Committee, or the major Part of them, to the Treasurer for the Time being, as before directed by this Act.

Watch-house to be erected in St. John's at the Public Expence.

XXXIII. And it is hereby declared to be the true Intent and Meaning hereof, That no House nor any Part thereof shall be pulled down as appointed by this Act, but by Direction from the respective Surveyors or Town Wardens to one or more Constables, who are hereby obliged by themselves or others to perform the same, on Forfeiture of twenty Pounds each Time refusing so to do; and any Person resisting the said Constable or Constables, or those employed by them to that Purpose in the Execution of such Direction as aforesaid, shall forfeit for each Offence fifty Pounds Current Money of this Island.

Constable, on Surveyor's Order, to pull down Houses, or forfeit 20l.

Persons resisting Constable to forfeit 50l.

XXXIV. And whereas it may so happen that a sufficient Number of Freeholders to make up a Jury in some of the Towns of this Island cannot be found, as directed by this Act, the Provost Marshal in such Case is hereby authorized and impowered to summon, or cause to be summoned, so many of the most knowing Freeholders in the Country adjacent as will fill the said Jury, who shall be deemed qualified to serve thereon; any Law, Custom, or Usage to the contrary notwithstanding.

Deficiency of Freeholders for Jury in the Towns, to be supplied by Country Freeholders.

XXXV. And whereas the several Towns of this Island do consist of Timber Buildings, and are thereby the more subject to Accidents of Fire, which is often threatened by Coopers burning their Casks, and

To lessen Danger from Fire;

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separate
Ground to be
assigned for
Coopers'
Workshops;

to remain to
Grantee as
other Lands.

Coopers
working else-
where than
the Ground
assigned, to
forfeit 50s.
each Offence.

Patentees of
Wharfs to
build in two
Years, or for-
feit Patents to
such as will
build.

Dimensions of
Wharfs.

No more Land
to be secured
by Wharfs
than they take
up.

Passage from
Wharfs to the
Sea to be free.

Wharfs to
range with the
Streets.
Half of each
Wharf to be
for common
Use.

and the Negligence of Servants leaving Fire among Chips, be it therefore enacted by the Authority aforesaid, That the aforesaid Committee shall have full Power and Authority, in order to prevent such Accidents aforesaid, to cause to be laid out by any sworn Surveyor in the *Leeward* or Westward Part of the several Towns, so much Waste Land as they shall judge necessary for the erecting Coopers' Shops thereon, which Lands shall have no other Buildings erected thereon, on Penalty of being removed in one Week's Time after Notice given, or pulled down as before directed by this Act, without any Satisfaction made or to be made for the same, and the same so laid out shall remain to the said Uses for ever, and be granted to any Person having Occasion for the same, as any other Town Lands before mentioned; and if any Person shall presume to work at the Cooper's Trade elsewhere than on the said Ground in any of the Towns of this Island, after the same be laid out three Months to the Uses aforesaid, he shall forfeit for each Offence fifty Shillings Current Money of this Island; any Law, Custom, or Usage to the contrary notwithstanding.

XXXVI. And be it further enacted by the Authority aforesaid, That all Persons who have obtained Patents or Grants to build Wharfs in any the Harbours belonging to the several Towns of this Island, shall be obliged to build them in two Years from the Date of this Act, or otherwise forfeit their said Patents or Grants to any Person, who on a new Grant obtained shall build the same; and that all Persons in whose Possession such Lands may be at present or hereafter shall come, and who in the limited Time hereby given them will build thereon, shall raise the said Wharfs four Foot above High-water Mark, and run the same so far into the Sea as at dead Low-water, as there shall not be less than a Depth of three Foot at the Head of each of them; and that more Land be secured thereby than what the said Wharfs are actually built upon; And that no Person be hindered a Free Passage from the said Wharfs to the Sea.

XXXVII. Be it also enacted by the aforesaid Authority, That whosoever shall erect a Wharf or Wharfs in that Part of any of the Towns where the Streets lead to, and not by the Sea Side, shall be obliged to build them so as that the Middle Line of the said Wharfs, as they point into the Sea, shall range with one Side of the Street which leads thereto, or the other, so that one Half of the Breadth is left for common Use, and the other to the particular Use of the Owner to build Store-houses thereon, or otherwise imploy, as he, she,

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she, or they shall think necessary and convenient ; any Law, Custom, or Usage to the contrary notwithstanding.

XXXVIII. And be it further enacted by the Authority aforesaid, That in Consideration of the Wharfinger's Fees already appointed, and which hereafter may be appointed, all Sugar, (but no other Goods exported or imported) brought to the said Wharfs, so far as they are capable of commodiously entertaining them, shall be rolled on Skids, and covered with Tarpaulins, during the Owner's Continuance of them there, to secure them from the Weather, which said Skids and Tarpaulins are to be found at the Charge of the said Wharfinger ; and in case any of the said Sugars shall be stolen by any Person, or lost by the Defect of a Crane, Crane Rope, or Parabuckles, which said Wharfinger is also hereby obliged to erect, and find in the limited Time aforesaid, the said Wharfinger shall forthwith make good the same to the Owner or Owners thereof, and on Failure be committed to Gaol, by the Warrant of any two Justices, till the same be fully satisfied and paid ; any Law, Custom, or Usage to the contrary notwithstanding.

Sugars (exclusively) to be rolled and covered at Wharfinger's Charge ;

if stolen, or damaged by Defect of Crane, &c. Wharfinger answerable.

To be committed till Satisfaction for Loss.

XXXIX. And whereas it may often happen that Goods may be exported and imported, of which the Wharfinger's Docket of Fees make no mention, in such Case it shall be in the Power of any two Justices of the Peace to appoint Fees for the same, as likewise to end all Disputes between the Wharfingers, and others, in Relation to the Tonnage of Goods landed or shipped off, or any other Differences whatsoever relating to Wharfage ; any Law, Custom, or Usage to the contrary notwithstanding.

Power to two Justices to regulate Fees, and determine Differences respecting Wharfage.

XL. And be it further enacted by the Authority aforesaid, That all Fines and Forfeitures not already disposed of and directed how to be levied by this Act, shall be by Warrant under the Hands of any two Justices of the Peace, by Distress and Sale of the Offender's Goods, one Half to the Informer, and the other Half to the Churchwardens for the Use of the Poor of the Parish, in which the Offence was committed ; any Law, Custom, or Usage to the contrary notwithstanding.

Penalties not otherwise provided for by Act, leviable by Distress, and payable Half to Informer, and Half to Churchwardens for Poor.

XLI. And be it further enacted by the Authority aforesaid, That for the Encouragement of the poorer Sort of Inhabitants, who for the most Part do raise Stock to supply the Markets of this Island, all Rumps, Sirloins, and Buttocks of Beef be esteemed choice Pieces, and sold at Eight-pence per Pound, but all other Pieces at the Rate and Price before recited ; any Thing in this or any other Act to the contrary notwithstanding.

By Act of 14th Dec. 1792, (No. 484,) S. 6. Justices of King's Bench and Grand Sessions to regulate the Prices.

XLII.

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Persons ag-
grieved by
Fees, may ap-
peal, from
Justices' Ap-
pointment, to
Governor and
Council.

XLII. And whereas there is a discretionary Power given to Justices of the Peace to appoint Fees in some Cases by this Act, it is hereby declared to be the true Intent and Meaning thereof, That if any Person shall think himself aggrieved by the Appointment of Fees, as aforesaid, he shall have liberty to appeal to the Commander in Chief for the Time being, and the Council of this Island: any Thing herein, or in any other Act to the contrary contained in any wise notwithstanding.

Dated at *St. John's* the eight and twentieth Day of *June*, one thousand seven hundred and two, and in the first Year of the Reign of Queen ANNE, &c.

CHRISTOPHER CODRINGTON.

PETER LEE, *Speaker*.

No. 127.

CONFIRMED
8th May, 1703.

For LAWS
PROMOTING
THE WHITE
POPULATION
see Nos. 118.
123. and 199.
encouraging
Settlers; and
Nos. 153. 194.
206. 214. 295.
and 569. en-
couraging the
Importation of
Servants.

Protestant
Alien desirous
to settle, being
approved, on
Examination,
by

An Act for the further encouraging the Settlement of this Island.

WHEREAS we think ourselves under all the Obligations of Christian Charity, as well as natural Compassion, to give all the Assistance and Encouragement in our Power to such of our afflicted Protestant Brethren who have been forced to quit their native Country for Conscience' sake:

II. And whereas we are also persuaded that the Encouragements and Privileges, under due Restrictions, given to such, will tend greatly to the strengthening this Island, the manuring and cultivating the Land, which yet remains unsettled, the Consumption of *English* Manufactures, and the Increase of Her Majesty's Customs:

III. Be it enacted by his Excellency *Christopher Codrington*, Esquire, Captain General and Chief Governor, by and with the Advice and Consent of the Council, and Assembly of this Island, That when any Protestant Alien arriving on this Island, shall desire to become an Inhabitant among us, he shall by the Provost Marshal, or his Deputy, be brought before the Chief Governor of this Island for

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for the Time being, and the Council thereof, at their next Meeting after such Arrival; and if upon careful Examination it shall be judged that the said Person or Persons are what they pretend to be, and not Spies or disguised Papists, they shall then be admitted to take the Oaths appointed in lieu of the Oaths of Allegiance, and Supremacy, and to subscribe the Test as by Act of Parliament directed: and, due Record being made of the same in the Secretary's and Register's Office of this Island, the said Persons, after their becoming Freeholders, by being Owner or Owners of at least ten Acres of Land in the Country, or an House in any of the Towns of this Island, shall be and are hereby declared legally qualified to take, purchase, rent, and enjoy Lands and Tenements, or any Manner of Estate whatsoever on this Island; and also to sell, alienate, and dispose of the same by Will or otherwise; as likewise to sue and be sued in any of the Courts of this Island, and further shall have, hold, and enjoy all other Privileges whatsoever on the same, as if he or they had been born thereon.

by Governor and Council, to take Oaths and subscribe Test;

on becoming Freeholders to have Privileges as Natives:—but see Sect. 5.

IV. Provided always, and it is the true Intent and Meaning hereof, That the Number of Aliens thus admitted to settle among us, shall not exceed the One-fourth of *English, Scotch, Irish, and Cariole* Subjects.

Their Number not to exceed one-fourth British and native Colonists.

V. Provided also, That no Alien originally claiming by Virtue of this Act, shall be enabled to serve as a Counsellor or Assembly Man, Justice of the Peace, or Courts, or in the Militia as a Field Officer, but that their Issue be enabled to have and enjoy all the Privileges and Immunities of His Majesty's natural-born Subjects of *England*; any Law, Custom, or Usage to the contrary notwithstanding.

No Alien to be Counsellor, Justice of Peace, or Field Officer, but Alien's Issue may.

VI. And whereas by an Act of this Island, made on the twenty-fourth Day of *August*, in the Year of our Lord one thousand six hundred eighty-one (Sir *William Stapleton* then being General) intituled, *An Act confirming all Foreigners inhabiting in this Island in their Estates, to them, and their Heirs for ever*, it was provided for the speedy settling this Island, "That all Foreigners should in all respects have and enjoy all the Freedoms and Privileges of any the King's Subjects born within His Realm, and be as capable to take, hold, and enjoy, alienate or dispose any Lands, or real Interests in this Island, as any natural-born Subject whatsoever," which Act we know not by what Neglect was never transmitted for Confirmation.

RECITAL. Act of 24th Aug. 1681, (No. 60,) encouraging the Settlement of Foreigners, through Accident, never transmitted for Confirmation.

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VII. And whereas at the first Settling this Island, before the Acts of Trade were made, and soon after the *French* Conquest of the same, diverse Foreigners came and settled among us, whose Children, or others claiming under them, are still living among us :

VIII. And whereas certain Protestant Aliens, by the Encouragement of the aforesaid Act, did take up Lands, and with no small Expence and Labour did settle the same :

IX. And whereas likewise certain of the said Aliens, and the Heirs of others, are still living among us :

Act.
Aliens already
settled, con-
firmed in Pri-
vileges and
Estates.

X. Be it enacted by the Authority aforesaid, That all such Persons, and their Heirs are hereby declared to have all the Advantages, Privileges, and Immunities, as before recited in this Act, and that their several Estates be, and are hereby confirmed to them, and their Heirs for ever, to all Intents, Constructions, and Purposes, as if they had been natural-born Subjects of the Kingdom of *England*; any Law, Custom, or Usage to the contrary notwithstanding.

Dated at the Town of *St. John's*, the twenty-eighth Day of *June*, seventeen hundred and two, and in the first Year of the Reign of Queen ANNE, over *England*, *Scotland*, *France*, and *Ireland*, &c.

No. 128.
CONFIRMED
8th May, 1703.

An Act for ascertaining what the Executors or Administrators shall have and enjoy of the Crops growing on the Ground of those that are Tenants for Life, Tenants in Dower, or Tenants at Will.

PREAMBLE.

WHEREAS Sugar is the general Commodity of this Island, and the Sugar Canes growing for the Making thereof, which of Right belong to the Executor or Administrator of the deceased Tenant for Life, in Dower, or at Will, are but of little Value unless ground into Sugar, Rum, or Molasses; which cannot be done but at great Charge; and it having been doubted at whose Expence the same should have been done, which has caused great Disputes and Law-Suits between Heirs and the Executors or Administrators: For the Prevention of which for the future:

II. We Your Majesty's most loyal, dutiful, and obedient Subjects, His Excellency *Christopher Codrington*, Esq; Captain General and Commander in Chief, the Council, and Assembly of this Your Majesty's Island

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Island of *Antigua*, humbly pray Your Most Sacred Majesty, that it may be enacted, and be it, and it is hereby enacted by Authority of the same, That when any Tenant in Dower, for Life, or at Will, shall hereafter decease, by which Means the Executors or Administrators of the aforesaid Tenants, have a Right to the Crop of Sugar-Canes, or any Part thereof then growing, after the Death of any of the aforesaid Tenants, there shall then issue out a Writ, at the Request of the said Executors or Administrators, under the Hand of the *Chief Justice of the Precincts* where such Canes grow, directed to four honest, discreet, knowing Planters, commanding them, or any three of them, to repair to the Place where the aforesaid Canes are, and the same to view, value, and appraise upon Oath, (which said Oath is to be administered by the said Chief Justice, or any of the Justices of this Island) what such Canes are *bond fide* worth, having Regard and Consideration that the said Canes ought to be ground by the Mill of the Heir or Owner of the Freehold, and the Liquor boiled in the Coppers of the said Heir or Owner, for the making of Sugar, as likewise the Rum to be distilled in the Still of the aforesaid Person or Persons; which said Appraisement shall be returned under the Hands of the said Appraisers, or any three of them, into the Secretary's Office of this Island, within two Days after the View and Appraisement made, as aforesaid; which being done, the Heir, Possessor, or Owner, or any that do represent him, her, or them, shall pay the Full of such Appraisement to the Executors or Administrators who have a Right to the same; that is to say, The one Half Part thereof in six Months, and the other Half in twelve Months from the Day of such Appraisement; which said Appraisement not being complied with or paid in Manner and Form aforesaid, upon Complaint made by any of the Party or Parties that have a Right as aforesaid, there shall issue forth an Execution immediately, signed by the Chief Justice of the Precincts aforesaid, commanding the Provost Marshal, or his lawful Deputy, to levy so much upon the Goods and Chattels of the Heir or Owners as aforesaid, as will pay the said Appraisement, with the Charges accruing thereby; which said Goods and Chattels shall immediately be disposed of as by Law shall be appointed in other Cases of Executions; and if no Goods or Chattels are to be found, then the same may be levied on the Negroes, working Cattle, or Horses of the said Offenders, and be disposed of in Manner and Form as in and by the Act of Courts for the Time being shall be directed and appointed; any Law, Custom, or Usage to the contrary notwithstanding.

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III.

ACT.
On Death of
Tenants in
Dower, &c.
Writ to issue
for Appraise-
ment of Canes
growing, on
Oath, as in
Clause.

*Jurisdiction of
separate Pre-
cincts has been
discontinued.
See Act of 31st
Dec. 1799,
(No. 541.) S.2.*

Appraisers to
regard Execu-
tors' Right to
use Mill, &c.

Appraisement
to be returned
into Secre-
tary's Office.

Heir, &c. to
pay Half in six
Months, and
Remainder in
twelve:

or Execution
to issue against
him;

for Levy on
Goods;

in Deficiency
of Goods, on
Negroes and
Cattle.

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Canes not ma-
ture in 12, and
Plants in 18
Months ex-
cepted.

Where no
Work on
Estate, Heir
not bound to
Appraise-
ment: but
Executor
may erect
temporary
Work.

Appraiser's
and Secretary's
Fees.

Heir or Owner
hindering Ap-
praisement, to
be committed
till obedient.

Appraiser
neglecting
Writ, to for-
feit 40s. &c.

Other grow-
ing Commo-
dities belong
to Executors
for one Crop
only; and to
be reaped at
their Expence.

III. And it is the true Intent and Meaning of this Act, That there shall be no Value or Appraisement made of any Canes standing, or growing, that shall not be thought in the Judgments of the said Appraisers to be fit to be cut and ground for Sugar, Rattoon-Canes in twelve, and Plants in eighteen Months, after Decease of the said Tenants as aforesaid.

IV. Provided always, That it is the true Intent and Meaning hereof, that where it shall happen that no Work shall be on the Estate of the Heir, that the Heir shall not be bound to such Appraisement, but that the Executor of such Tenant for Life, Dower, or at Will, have liberty to take off his Canes, doing no Damage thereby, by erecting a Work on the Land, and taking off the same, after grinding of his Canes, if he see fit.

V. And be it further enacted by the Authority aforesaid, That every such Appraiser, shall and may receive from the said Executors or Administrators, the Sum of six Shillings each Man, and for signing the said Writ of Appraisement or Execution, six Shillings, and to the Secretary for the Writ of Appraisement, as Writs of Summons, and for the Executions as is established for Executions, had and taken out of the Secretary's Office; which said Charge, otherwise than the Execution, shall be born and paid by the said Executors or Administrators.

VI. And be it further enacted by the Authority aforesaid, That if such Heir or Owner, as aforesaid, or any for him or them, shall directly or indirectly hinder, impede, or molest any of the aforesaid Appraisers to do their Duty in Manner and Form aforesaid, he or they shall immediately be committed to the Common Gaol of this Island, and there stand committed without Bail, until he shall be obedient to the Writ of Appraisement as aforesaid; and further, it shall be taken that the Interruption of the Appraisers, as aforesaid, be accounted for from the Day of Appraisement; and if any of the Appraisers shall neglect or refuse to be obedient to the Writ of Appraisement, he shall forfeit forty Shillings for each Default, to be levied in such Manner and Form as for Defaults made in Court; and shall likewise be liable to an Action of the Case, by a Complaint for the Damages he, she, or they shall receive or sustain for their being kept out of their Right by their said Neglect or Refusal as aforesaid.

VII. And be it further enacted, That for all other Commodities of the Growth of this Island, viz. Ginger, Tobacco, Cotton, and all other Sorts of Grain, and other Commodities whatsoever, the aforesaid Executors, Administrators, or others representing them, shall have what

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what is growing at the Decease of the Tenants as aforesaid, and may be reaped, viz. Ginger in thirteen Months, and Tobacco, Cotton, and Corn, and all Sorts of Provisions in their proper Seasons, for one Crop only; and the same to be done at the whole Charge and Expence of the said Executors or Administrators.

VIII. And be it also enacted by the Authority aforesaid, That the Houses on the said Freehold shall and may be made use of by the said Persons for the curing the said Tobacco and Ginger, and the housing the said Cotton and Corn, for so long a Time as may be convenient, until the same may be carried away by the said Executors, &c. any Law, Custom, or Usage, to the contrary notwithstanding.

IX. Provided always, That if the Heir, Executor, or Administrator, or any Person representing any Tenant for Life or Will, shall have the Conveniency of a Work near adjoining, to reap such Canes with his own Cattle, Slaves, Cart, &c. that in such Case, such Heir, Executor, or Administrator of any Tenant for Life or Will, shall have, upon Application to the Chief Justice, a Writ, to be directed to the Provost Marshal of this Island, commanding him to impanel a Jury upon the Premises, to set apart, divide, or ascertain what Quantity of Canes are his, or the Person's he represents; which Canes so ascertained, he or they shall have full Power and Authority, by free Egress and Regress, by all convenient Ways and Means, and without Damage, or as little as possible may be, to enter in and upon the Freehold where such Canes are standing, with People, Carts, Cattle, and Horses, to cut and keep clean all such Canes, until they shall be grindable; and Return of such Partition made, under the Hands and Seals of such Jury, within two Months after the Decease of such Tenant for Life, Years, or at Will, made into the Secretary's Office of this Island, shall be sufficient Title to them, or either of their Executors, or any Person representing them, and shall bar the Heir unto whom the said Lands and Tenements are descended, or fallen otherwise, or devised, from having further Benefit by Appraisement or otherwise, as it is before appointed by this Act.

X. Provided always, and it is the true Intent and Meaning of this Act, That if the Executor or Administrator of any Tenant for Life, Years, or at Will, or any Person representing him or them, shall omit the causing such Partition in the limited Time of two Months beforementioned, that then the said Executor or Administrator, or such Person representing him or them of such Tenants as aforesaid, shall wholly lose the Benefit and Advantage

Buildings on Estate for covering and housing Crops, may be used by Executors.

Representative of deceased Tenant, having Work nigh, may have his Quantity of Canes ascertained by Jury.

Return of Partition in two Months after Tenant's Decease to bar Appraisement.

Executor not procuring Partition in two Months, to lose the Benefit.

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tage of such Partition, as if the foregoing Proviso had never been made.

Work erected
by Tenant to
be appraised
and paid for
by Heir in 12
Months.

XI. And be it further enacted, That in case any Person or Persons, Tenant or Tenants for Life or Will, shall erect or put up any Work, as Mills, Coppers, or Stills, for the improving his Interest, that all Heir or Heirs, or his or their Representatives, shall pay the Value of such Mill or Coppers at Appraisement in twelve Months; any Law, Custom, or Usage to the contrary notwithstanding.

Dated the twenty-eighth Day of *June*, one thousand seven hundred and two, and in the first Year of the Reign of Queen ANNE, over *England, Scotland, France, and Ireland, &c.*

CHRISTOPHER CODRINGTON.

PETER LEE, *Speaker.*

No. 129. *An Act for making, cleaning, and repairing Common Ponds, and making and mending Bridges on the High Roads of this Island.*

CONFIRMED
8th May, 1703.
ALTERED by
Act of 22d
April, 1797,
(No. 517.)

Note also
ACT of 20th
Feb. 1721,
(No. 172) re-
lates to Body
Ponds; and
Act of 11th
August, 1724,
(No. 180)
Sect. 12, 13,
14, relates to
Bridges.

Governor and
Council to ap-
point annually
five Commis-
sioners of
Ponds for
each Precinct.

WHEREAS Providence has blest us in all Parts of this Island with Ground very proper for Ponds: And whereas by the Experiments which have been made, it is evident we may as plentifully be supplied with fresh and wholesome Water as any Island in the *West Indies*, which Advantages we have been hitherto forced to neglect, by reason of our other great and continual Expences during the late War:

II. We therefore Your Majesty's most loyal and obedient Subjects, his Excellency *Christopher Codrington*, Esquire, Captain General and Commander in Chief, the Council, and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Sacred Majesty that it may be enacted:

III. And be it, and it is hereby enacted by the Authority of the same, for the Welfare of the Island in general, and the more particular Ease of poor Settlers amongst us, That from and after the Day of the Date of this Act, it shall be in the Power of the Governor in

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in Chief, Lieutenant, or Deputy Governor, or President of this Island for the Time being, by and with the Advice and Consent of the Council, and Assembly, and no otherwise, once every Year to nominate and appoint five knowing Men as Commissioners of the Publick Ponds, or Watering-places, for the Precincts of *Falmouth*, and the like Number for the Precincts of *St. John's*; who, or any three of them, in their said Precincts respectively, are hereby authorized and impowered at all Times hereafter to allot and appoint such and so many Parcels of Ground for the Use of Publick Ponds, as by them shall be thought necessary and convenient for the Common Good of this Island.

Power to any three of them to allot Ground for Ponds.

IV. Provided always, That the Parcels so allotted be no more than two to a Division annually, and the Quantity of Land in each, together with the Way which leads thereto from the Common Paths, exceed not four Acres at the most, and that the Distance of the said Ponds to be dug, exceed not ten Chains, or thereabouts, from the Common Path, to prevent the many Inconveniencies which may otherwise happen by the great Number of Negroes, Horses, and Cattle, being daily sent into the Bodies of the several Plantations, in which the said Ponds' Ground may be laid out.

Not more than two Ponds to a Division: Pond and Path not to exceed four Acres.

Distance of Ponds from Common Path not to be more than ten Chains.

V. And be it further enacted by the Authority aforesaid, That the Commissioners, before they further enter upon Execution of their said Office, shall be sworn, before the Council and Assembly of this Island, faithfully to discharge their said Office according to the best of their Judgments and Consciences, without Partiality, Favour, or Affection to any Person or Persons whatsoever; after which they are hereby authorized and impowered from Time to Time, and at all Times hereafter, as Occasion shall require, to summon the Freeholders or other Persons, being Masters, Owners, or Possessors of Negroes, or other Slaves, by Warrant directed to any Constable in this Island, to send in eight Days after, one Third of the Number of Slaves they are possessed of, which Third with Baskets, Hoes, and other proper Tools, to consist of the most able Workers of the whole Number young and old, to dig and work on the Publick Ponds, from Time to Time, as prescribed by this Act.

Commissioners to be sworn before Council and Assembly.

Commissioners to summon Freeholders, &c. to send One-third of their Slaves with Implements to work on Ponds.

VI. Always provided, That the Persons summoned, as aforesaid, be not obliged to work their Slaves out of the Division to which they respectively belong, except, in the Judgment of the Commissioners aforesaid, there appears a Necessity to the contrary; and in such Case it shall be in the next adjacent Division or Divisions, where

Slaves not to work out of the Division. Exception.

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where they shall join the weaker Strength, to carry on the said Work, and not otherwise.

Clause repealed by Act of 22d April, 1797, (No. 517,) S. 1. 2. and the Penalty assimilated to a Penalty in Act of 11th August, 1724, (No. 180,) S. 22; which see.

VII. And if any Person whatsoever shall refuse to send his, her, or their Slaves after due Notice given, pursuant to the Directions of this Act, it shall be in the Power of the said Commissioners aforesaid, or any two of them, in their particular Precincts, by Warrant under their Hands to the Provost Marshal, or Constable of this Island, to commit such Offender to the Common Gaol, there to remain without Bail or Mainprize, till the said Summons be duly complied with; any Law, Custom, or Usage to the contrary notwithstanding.

Ponds and Ways to be inclosed, under Commissioners' Direction.

VIII. And to prevent all Ponds and Plantations wherein the same shall be allotted and made for Publick Use, being damnified or injured by the Unruliness of Horses, Cattle, or other Stock, coming to water thereat, either by the said Stock running into the Ponds or Plantation wherein the same is made beyond the limited Bounds, or otherwise, by Servants and Negroes that attend the same; it is hereby enacted by the Authority aforesaid, That the same, at the Publick Charge of this Island, be strongly and firmly inclosed with Posts and Rails, and well staked and wattled athwart the said Rails between each Post, together with the Way on each Side from the Common Path, which leads thereto, pursuant to such Orders and Directions as shall be given by the said Commissioners, or any three of them, respectively.

Commissioners to return Certificates of Lands taken up for Ponds.

Particulars to be stated.

Commissioners to regard Situation, in valuing Land; and add Charge of digging Pond, if already dug.

IX. And to obviate all Disputes which may arise for the future concerning the said Ponds, and Watering-places, the Commissioners aforesaid, or any three of them, shall return Certificates, from Time to Time, into the Register's Office of this Island, of all such Lands taken up for the Use aforesaid, where to be dug as by this Act is directed, or already dug at the Charge of any private Persons mentioned therein, *the particular Quantities so allotted, the Person's Name of whom taken, the Division in which it lies, the Time when appropriated to the said Use, and the Sum or Sums by them valued at*; which they the said Commissioners, or any three of them, in their several Precincts aforesaid, are hereby declared to have full Power and Authority to do, having always a Regard to the Situation, Conveniency, or Inconveniency, more or less, such Land may hold, in respect to the Person from whom taken; as also, if already dug, the Charge of digging the same may be computed at, over and above the Value of the said Land the said Pond is made in; which Certificate being so recorded, and Satisfaction for the Value made, out of the Treasury, and

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and the Inclosure with Posts and Rails, as before recited, firmly done, and paid for likewise out of the Publick of this Island, the said Ponds and Watering-places shall henceforward be, remain, and enure to publick and common Use for evermore.

On Certificate, &c.
Ponds to remain for ever to Public Use.

X. Provided always, and it is the true Intent and Meaning hereof, That the Ponds so dug to hand, be not allotted, as aforesaid, to publick Use, the Possessor or Owner being aggrieved, except there cannot, by the said Commissioners, or any three of them, be found in the said Plantation, or near thereto adjoining, some other Parcel of Land equally commodious to dig a Pond in; any Law, Custom, or Usage to the contrary notwithstanding.

Ponds dug not to be made Public to Aggrievance of Owner, except commodious Ground is not to be obtained.

XI. And whereas the keeping in Repair the Inclosures of the said Ponds, and finding Troughs for Cattle, and other Stock to drink out of, at some convenient Distance within the said Inclosures, leading thereto, will much contribute to the Preservation and Continuance of the said Water; the respective Churchwardens of the several Parishes, wherein the said Watering-place shall be allotted and appointed, after once firmly inclosed at the Common Charge, are hereby obliged to keep the same constantly for ever after in good Repair, and to find three large Troughs for each Pond, to be kept always tight and serviceable to the Uses there intended, on Penalty of being presented at Sessions, and fined at the Discretion of the Court, not exceeding fifty Pounds for each Offence.

Churchwardens to repair Inclosures and provide Troughs, under Penalty not exceeding 50/.

XII. And be it further enacted and ordained by the aforesaid Authority, That the Vestry of each Parish respectively within the Island have full Power and Authority to raise a reasonable Tax annually, to support and maintain the Charge of the said Reparations; any Law, Custom, or Usage to the contrary notwithstanding.

Vestries to raise annual Tax for Reparations.

XIII. And that all extravagant Costs, which may attend the said Inclosures, in maintaining and keeping them in Repair, by Means of White Persons as well as Negroes breaking, or suffering to be broke down by their Stock, be prevented; it is also enacted by the aforesaid Authority, That whosoever is guilty of such Breach or Trespass, and shall not forthwith repair the same firmly, on Notice given by any one of the Churchwardens of the Parish, in which such Watering-place lies, shall, on Proof being first made before any Justice of the Peace for this Island, by one Witness on Oath, or Information of one Negro Slave, or other Slave against another, shall be committed by the said Justice, or any other, to the Common Gaol of this Island, until the same be made good and repaired, together with

Persons breaking Inclosures to be committed to Goal, till Repair of Fence and Reparation to Owner of Plantation.

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with what Damage shall accrue to the Owner of the said Plantation, wherein such Watering-place shall be, by Cattle, or other Stock trespassing therein, by Means of the said Breach; any Thing in this or any other Act to the contrary contained in any wise notwithstanding.

Master of
Slaves on Cer-
tificate of
Commission-
ers, to be paid
from Public
Treasury 12d.
per Day each.

Raised to 2s.
by Act of 22d
of April, 1797,
(No. 517,)
S. 3.

Masters to
superintend
Slaves, on Pe-
nalty of Pre-
sentment and
40s. each De-
fault.

Sixth Part of
Slaves suffi-
cient to cleanse
Ponds.

Commission-
ers empower-
ed to appoint
Persons to
take Account
of Work.

Such Persons
to render Ac-
count on
Oath, if re-
quired, or for-
feit Sums due
to them;

Sums not for-
feited to be
paid by Treas-
urer on Cer-
tificate.

XIV. And be it further enacted by the Authority aforesaid, That any Person whatsoever, who shall hereafter send any Negroes or other Slaves, by Virtue of this Act, either to dig new or cleanse old Ponds, which shall be appropriated by Virtue hereof to publick Use, shall receive for the Work of each such Negro, on Certificate thereof from the said Commissioners, or any two of them, out of the Publick Treasury of this Island, the Sum of *twelve Pence* Current Money per Day.

XV. And to the end the said Negroes on the said Work may be well followed and looked after, all Masters of Families, by themselves, or White Overseers, and, for Want of such, their Negro Overseers, are obliged to attend the said Work constantly, where their Slaves shall be ordered to work, on Penalty of being presented at Sessions, and being fined forty Shillings for each Default.

XVI. And as the cleansing old Ponds requires not so much Strength as making new; be it therefore also enacted, That when at any Time the said Commissioners, as aforesaid, shall summon the Inhabitants to send their Slaves to cleanse the same, the one sixth Part of the whole Number young and old respectively, being the ablest, shall be deemed sufficient for the said Work; any Thing in this or any other Act to the contrary notwithstanding.

XVII. And be it also further enacted by the Authority aforesaid, That to prevent any Injury which otherwise might happen to the Publick of this Island, in the Payment for the Hire of the Slaves to be employed for the Work aforesaid, it shall be in the Power of the said Commissioners, or any three of them respectively, to agree with such and so many Persons as they shall think necessary and convenient, to take an Account of the daily Labour and Work of such Slaves, as aforesaid; which Persons so employed (if thereunto required) shall render their said Account on Oath, on Penalty of the Forfeiture of the Sum or Sums, which otherwise might become due to them by such Agreement, as aforesaid; and that all such Sum or Sums not forfeited, as aforesaid, shall by Certificate from the Commissioners, or any three of them, be satisfied and paid out of the Publick Treasury, as before recited.

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XVIII. And that no Persons may be incommoded by having their Lands taken up for the Uses aforesaid, more than what is of absolute Necessity requirable; it is hereby further enacted by the aforesaid Authority, That it shall not be in the Power of any of the said Commissioners, at any Time hereafter, to allot, or cause to be made or dug, any Pond or Ponds, in any Plantation or Plantations whatsoever, wherein at the same Time, or before, is any such Watering-place appropriated to publick Use, unless the Owner or Owners of such Lands and Plantations be thereto agreeing and consenting; any Thing herein or in any other Act to the contrary in any wise notwithstanding.

No new Pond to be dug in Plantation where Pond is already, without Owner's Consent.

XIX. And whereas an Act for the enclearing and cleansing common Paths and Highways in this Island, made the eighth Day of April, one thousand six hundred and eighty, and afterwards confirmed at Whitehall by His Majesty King Charles the Second, the eighth Day of February, one thousand six hundred eighty one, was and is somewhat defective for want of a proper Clause for providing Timber for the making of Bridges in the Paths; be it therefore enacted by the Authority aforesaid, That the several Way-wardens in this Island shall and are hereby declared to have full Power and Authority for the future to fell and cut down the most adjacent Timber Trees or Underwoods, which may be fitted to erect Bridges, or repair them, on any the High Roads of this Island, who giving the Owner a Certificate of the Value thereof, to the best of his or their Judgment, or on Oath, if required by the said Owner, shall be sufficient to the Treasurer for the Time being to pay the same out of the common Stock of this Island, without any further Order whatsoever.

RECITAL.
Act No. 56 defective.
No. 56 is repealed by No. 180, S. 2.

ACT.
Way-wardens empowered to cut Timber for Bridges;
on their Certificate Treasurer to pay the Value.

XX. And whereas on the aforesaid eighth Day of February, one thousand six hundred eighty one, another Act for the cleansing and repairing common Ponds within this Island, dated also the eighth Day of April, one thousand six hundred and eighty, was at the same Time confirmed by His Majesty King Charles the Second, which Act was then, and several Years after, of good Use, but is since found inconvenient; we therefore pray Her Most Sacred Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority aforesaid, That the said Act for the cleansing and repairing common Ponds, dated and confirmed as before recited, may be repealed and made null and void to all Intents, Constructions, and Purposes, and it is hereby repealed, and made null and void, as if the same never had been ratified and confirmed, as aforesaid; any Law, Custom, or Usage to the contrary notwithstanding.

RECITAL.
Act No. 55 inconvenient.

ACT.
Said Act No. 55 repealed.

1st ANNE.

Nis. 129, 130.

A. D. 1702.

Dated at the Town of *St. John's*, the twenty-eighth Day of *June*, one thousand seven hundred and two, and in the first Year of the Reign of Queen ANNE, over *England, Scotland, France, and Ireland, &c.*

CHRISTOPHER CODRINGTON.

PETER LEE, *Speaker.*

No. 130. *An Act for the better Government of Slaves, and Free Negroes.*

CONFIRMED
8th May, 1703.
AMENDED
by Act of 25th
Nov. 1757,
(No. 212.) S.
11.

See also Act of
9th Dec. 1723,
(No. 176,) and
References
ibid, particu-
larly No. 522,
No. 527, and
Act of the
Leeward
Islands, No.
36.

Person detain-
ing another's
Slave above
24 Hours to
forfeit 12s. per
Day;

if Slave an
Artificer, 24s.
per Day.

If under 6l. to
be recovered
before

WE Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted, and be it, and it is hereby enacted by the Authority of the same, That no Person whatsoever shall give Leave on the *Sabbath Day* to any Slave under his or her Care, Charge, or Ownership (unless such as usually wait on their Person, or in Liveries) to go out of their Plantations, without a Ticket, or White Servant with them, in which Ticket is to be expressed the Names and Numbers, and also to and from what Place, on Penalty of paying, for taking up such Slave or Slaves as Runaways, three Shillings.

II. And be it further enacted by the Authority aforesaid, That any Person, who shall take up any Slave or Slaves belonging to another, and shall keep the said Slave or Slaves in his or their Custody or Plantation longer than twenty-four Hours, without sending the said Slave or Slaves to the Owner or Owners they belong to (if he or they can any ways know them) or without delivering the said Slave or Slaves to the Provost Marshal of this Island for the Time being, shall for every Day each Slave shall be kept or entertained by him or them, after the first twenty-four Hours, forfeit twelve Shillings *per Diem*, and, if the said Slave be of any Trade, twenty-four Shillings *per Diem*, for each Day such Slave or Slaves shall be by him or them knowingly entertained or imployed; if under six Pounds, to be recovered before any two Justices, as in and

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and by the Act of Courts is directed, for Servants recovering their Wages, between the Months of *August* and *March*; if above, by Action of Debt at Common Law, in which no Protection, Essoign, or Wager of Law shall be allowed.

before two Justices; if above, by Action. No Dilatory-plea.

III. And if any Person shall privately delude, entice, or persuade any Slave or Slaves, being in quiet Possession of another, out of his or their Custody, by any Encouragement or Inducement whatsoever, shall be liable to the same Penalty of every Day, the said Slave or Slaves shall, by their Means or Procurement, desert their Owner's or Master's Service, as in case of entertaining a Runaway longer than twenty-four Hours, to be recovered after the same Manner; but in case any Person shall violently, or by Force, or otherwise, take any Person's Slave or Slaves out of his or their Plantation or Custody, shall be deemed guilty of Robbery, and indicted as in Cases of Robbery; and in case any Person or Persons shall take away any Slave or Slaves, or endeavour to carry off from this Island, or delude away from their Owners, shall be guilty of Felony, and excluded the Benefit of Clergy.

Person enticing Slave, liable to Penalty, in Sect. 2.

Violent taking of Slave, Robbery;

Attempt to carry Slave from Island, Felony without Clergy.

IV. And be it further enacted by the Authority aforesaid, That any Person who shall deal with any Slave or Slaves for any Sugar, Cotton, or Tobacco, or any other Goods whatsoever, without Leave given from the Owner of the said Slave or Slaves, exprest by a Note, or some White Person (which Note or White Person shall specify what Goods he shall so sell, and the Quantity) and that none presume to deal with any Slave, otherwise than as is before directed, *under the Penalty that such Person so offending, shall be bound over by the next Justice to good Behaviour, until the next Sessions of the Peace, or General Sessions, and there to be fined, or receive such other Punishment, as the Justices shall think convenient.*

Person dealing with Slaves for Produce, &c. without Owner's Leave, to be bound to Sessions for Fine, or other Punishment.

Act of 9th Dec. 1723, (No. 176,) S. 19. limits Penalty.

V. And that all Negroes who shall (though with a Ticket or other Leave from their Owners or Possessors) sell any Thing, in any of the Towns on the *Lord's Day*, he or they shall be taken up and whipped, and paid for as Runaways, if not returned, or going to their respective Masters by ten of the Clock, to the Intent that all Opportunities of Idleness and Robbery may be taken away.

Negroes trafficking after 10 o'Clock on Sundays, to be whipped and paid for as Runaways.

VI. And if any sturdy Slave should impudently strike or oppose any White Person, any Justice, upon Complaint or Proof made, shall order a Constable to cause such Slave to be publicly whipped, at their Discretion; and if such White Person be any Way hurt, wounded, or disfigured by any Slave's Resistance, such offending Slave or Slaves shall have their Nose slit, or any Member cut off,

Slave striking a White to be whipped;

Wounding White [by No. 527, Slaves charged with Criminal Offences

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Offences to be tried by Jury.]

Slaves may be deprived of mischievous Weapons: except Slave be defending Master's Goods.

Marshal to pay Bringer 3s. each for taking, and 9d per Mile for bringing Runaways; imprison them;

and by No. 212, S. 11. advertise them in the Public Gazette within six Days, and, till reclaimed, continue Advertisement monthly; under Penalty of 5l.

Marshal suffering Slave's Escape, or employing him, to pay as in S. 2. or forfeit 50l.

If Slave perish for Want 50l. Marshal's Fees for Slave.

Slave lying three Months in Gaol to be sold for Fees.

Surplus to be paid Owner; to Public Treasury in Default of Owner.

or be punished with Death, *at the Discretion of the Justices*; always excepting, That such Slave do not the same by his or her Owner's or Master's Order, or in Defence of his or her Person or Goods; and it shall be lawful for all Persons to take away from any Slaves, any hurtful Clubs or other mischievous Weapons whatsoever, unless such Slave or Slaves have any Charge of their Owner's or Master's Goods to defend.

VII. And be it enacted by the Authority aforesaid, That the Provost Marshal of this Island, or Deputy, shall be obliged to receive all Runaways brought to him, into his Custody, and shall pay the Bringer three Shillings for taking the said Runaway, and Nine-pence *per Mile* for as many Miles as the said Negro is brought to the Gaol, from the Place taken at; and the said Marshal is to keep the said Slave or Slaves in safe Custody, and, *in a List at the Prison Door, shall insert the Names of Negroes in his Custody, their Age, and their Masters' Names if known, against the said Negroes' Names belonging to him*; and in case the said Marshal fail to pay the said Bringer, or receive the Slave or Slaves brought, or to *put up their Names*, he shall forfeit five Pounds for every such Fault, to be recovered before a Justice.

VIII. And in case the said Marshal shall wilfully or neglectfully suffer an Escape any Way whatsoever, of the Slave by him received, or imploy him in any Work, he shall pay the Owner, as in case of any Persons detaining another's Slave above twenty-four Hours, until such Slave be delivered the Owner, or forfeit fifty Pounds Current Money; and in case any Slave perish in Custody for Want, he shall forfeit fifty Pounds like Money; the Marshal to have three Shillings for taking such Slave into his Custody, and Twelve-pence each twenty-four Hours the Slave lies in Prison; as also upon the Marshal's Delivery of any Slave or Slaves to his Owner or Possessor, the Sum of three Shillings, besides Nine-pence *per Mile*, which the Bringer of the said Slave or Slaves has received from the Provost Marshal or his Deputy.

IX. And if any Slave or Slave lie so long as three Months, such Slave or Slaves is to be taken out, and sold at Out-cry for the Fees, by Order of two Justices of the Peace, and the Overplus, if any be, after the paying the aforesaid Fees, and all the above mentioned Charges, shall be returned to the Owner, or, for want of knowing such Owner, to the Treasurer for the Time being, to remain to the Use of the Publick, till the Owner shall appear; and the Provost Marshal,

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Marshal, or his Deputy, shall be obliged upon Oath to account, and pay once every Year at least unto the Treasurer for the Time being, all such Money that such Negro Slave or Slaves, or other Slaves, shall be sold for, on Forfeiture for every such Neglect for not accounting and paying the said Money, where no Owner is to be found, after his just Fees, and Charges of Sale are deducted, twenty Pounds for the Use of the Publick of this Island, to be recovered as hereafter set down in this Act.

Marshal to account annually for Slaves sold, under Penalty of 20*l*.

X. And it is also enacted by the Authority aforesaid, That any Person taking up a Runaway, and knowing his Master, either by the Slave's Confession, or otherwise, shall, on Penalty of Forfeiture of forty Shillings, carry such Slave so known, or cause him to be carried to his Master or Owner, and not to the Gaol or Marshal, unless the Owner be unknown to him; and if any Owner or Master shall refuse to pay three Shillings for taking such Slave up, and Nine-pence *per* Mile, for the Distance he was taken up at (being brought to him) shall, besides the said Fees, forfeit forty Shillings.

Persons taking Runaway to carry him to Owner, if known, under Penalty of 40*s*.

Owner refusing to pay 3*s*. with 9*d* *per* Mile, to forfeit in addition 40*s*.

XI. And if any Marshal or Deputy shall deny to deliver any Slave in his Custody on tender of his due Fees and Disbursements, he shall lose his Fees, and forfeit forty Shillings besides, each Refusal, and pay as in case of wrong detaining another's Slave for each Day detained.

Marshal detaining Slave, after Tender of Fees, to forfeit 40*s*. &c.

XII. And it is further enacted by the Authority aforesaid, That on Complaint made to any Justice of any Crime done by any Slave or Slaves, such Justice shall issue out his Warrant for apprehending the Offenders, and for all Evidences; if the said Justice find such Crime not Capital, he may appoint publick Correction of such Slave, according to Discretion, and award Satisfaction to the Parties injured, not exceeding six Pounds; *but if the Crime be heinous*, or the Damage greater than six Pounds, then the said Justice shall commit the said Offender to Prison, or take Security, at his Discretion, and then appoint a Day for the Witness to appear, which Crime, Day, and Time such Justice is to certify to the next Neighbouring Justice, who shall join with the aforesaid Justice at the Time and Day appointed, as aforesaid; which said two Justices (according to the Evidences that shall be given before them) shall give Sentence as the Crime deserveth, and the said Justices shall forthwith issue out their Warrant for executing the said Sentence, and such Justices may, if they see fit, condemn any Slave to the Party injured, until the Owner pay such Damage, as shall be by them adjudged to be paid to any Person injured.

On Complaint of Slave's committing a Crime Justice may order Correction.

By Act of 28th Feb. 1798, No. 527, Slaves charged with Criminal Offences, are to be tried by Jury.

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Justice dis-
obeying Act
to forfeit 20%.

If more than
one Slave con-
cerned in
Crime, Jury
(according to
No. 527) may
consign one
to Death and
save the rest.

Owners of
Slaves saved,
to contribute
to Owner of
Slave dying.

Acts No. 522,
and No. 527,
annul this
Clause.

Clause in Act
of 9th July,
1680, (No.
57,) punish-
ing Runaway
Negroes with
Death, re-
pealed. No.
57 is obsolete.

Slaves absent
three Months
to suffer
Death, &c.

By Act No.
527, Justices
merely to com-
mit Criminal
Slaves, for
Trial by Jury.

Owner of
Slave execut-
ed to have by
Act, No. 188,
his or her ap-
praised Value,
not exceeding
35*l.* or 30*l.*

XIII. And any Justice, who shall neglect his Duty herein enjoined, shall forfeit for each Time offending twenty Pounds; but in case more than one Slave be combined in a Crime, it is at the Discretion of such [*Justices*] to adjudge one to Death for Example's Sake, and save the Rest; and to command the other Owners to contribute in Proportion for the Slave dying to his Owner, as they judge the Value, and, on Refusal of Payment, such Justices are to issue Execution on their Goods and Chattels, and sell them at public Out-cry, to satisfy the Money by them so appointed to be paid or contributed.

XIV. And it is further enacted by the Authority aforesaid, That if any Slave lose Life or Limb by Punishment for a Crime, by his Master, or the Justice's Order, no Person shall be liable to the Law, for the same.

XV. And whereas an Act, intituled, *An Act for bringing in Run-away Negroes, and Encouragement of such who shall bring them in*, dated the eighth day of February, one thousand six hundred eighty-one, confirmed by King Charles the Second of Blessed Memory, it was there provided, by a Clause in the said Act, "That what Negro or other Slave should absent himself from their Master's or Mistress's Service for the Space of three Months, or upwards, should be punished with Death;" And whereas the said Clause in the said Act by Experience is sometimes found too severe, by reason of new ignorant Slaves; be it therefore enacted by the Authority aforesaid, That the said Clause is repealed, made null, and void.

XVI. And for the future be it enacted, That what Slaves soever shall absent themselves from their Master's or Mistress's Service, during the Space of three Months, or upwards, shall be punished with Death, Loss of Limb, or Member, or publick Whipping, at the Discretion of two Justices of the Peace, whom the said offending Slaves shall be brought before.

XVII. And be it enacted by the Authority aforesaid, That the Owner of such Slave or Slaves, as shall be punished with Death for the Offence aforesaid, shall be satisfied for the Loss of such Slave, eighteen Pounds Current Money, to be paid out of the Publick Treasury of this Island.

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XVIII. And be it further enacted by the Authority aforesaid, That upon any Publick Punishment, that shall by Sentence of any Justice or Justices be inflicted by Virtue of this Act, the Charge incident thereto shall be borne by the Publick, and paid by the Treasurer by Order of the said Justice or Justices, provided the same exceed not five Pounds Current Money.

Charge of Punishment to be paid by Treasurer, not exceeding 5*l*.

XIX. And be it further enacted by the Authority aforesaid, That if any Person kill a Slave stealing, or in Pursuit of him, being a Runaway, and refuse to submit, such Person shall not be liable to any Prosecution at Law; any Law, Custom, or Usage to the contrary notwithstanding.

Person killing Slave stealing, &c. not liable to Prosecution.

XX. And be it further enacted by the Authority aforesaid, That if any Person whatsoever shall sell any Rum to a Slave on the *Sabbath Day*, or any Sort of dry Goods, by Barter or otherwise, he shall forfeit three Pounds Current Money for each Offence.

Penalty for selling Rum, &c. to Slave on *Sabbath*, 3*l*.

XXI. And be it further enacted by the Authority aforesaid, That all Penalties mentioned in this Act, and not directed how to be recovered and disposed of, if not more than six Pounds in Money, shall be levied by a Justice's Warrant, directed to a Constable, who is, on Penalty of forty Shillings for each Refusal, to execute all Warrants, and other Precepts directed to him, and to receive for his Pains eight *per Cent.* out of the said Forfeitures; and at above six Pounds, to be recovered by Action of Debt in any Court of Record of this Island, and shall be one Half to the King, for the Use of the Publick of this Island, and the other Half to the Informer or Person suing for the same.

Penalties under 6*l*. to be recovered by Justice's Warrant.

Penalty on Constable neglecting. Constable's Fee.

Forfeitures above 6*l*. recovered by Action: Half to Public; Half to Informer.

XXII. And be it further enacted by the Authority aforesaid, That all Free Negroes, Mulattoes, or *Indians*, not having Land, shall be obliged in thirty Days after the Date hereof to choose some Master or Mistress to live with, who shall be owned by them, and with whom they shall live, and take their Abode, to the Intent that their Lives and Conversations may be known, to be called to their respective Duties; and if any Free Person, not being a White, shall presume to strike a White Servant, he shall be by Order of the next Justice (on Proof of his striking) severely whipped, at the Discretion of the said Justice; and that all Persons who are not Whites, and are fit to go out to Trades, shall be bound Apprentice to any Person that will receive them for seven Years (unless they choose a Master or Mistress to be bound to) by the next Justice, who shall be informed of such Persons, and who is immediately to cause them to be

Free Negroes, &c. not having Land, to choose a Master in 30 Days.

Free Negro, &c. striking White Servant, to be whipped.

Persons of Colour fit for Trades to be bound for seven Years.

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A. D. 1702.

be bound, in ten Days after such Information, to any willing to receive them, on Penalty of forfeiting ten Pounds.

Free Negro not to possess more than eight Acres, nor be a Freeholder; having more than eight Acres to sell it in six Months, or forfeit Overplus.

XXIII. And be it enacted by the Authority aforesaid, That for the future no Free Negro shall be Owner or Possessor of more than eight Acres of Land, and in no Case shall be deemed and accounted a Freeholder: Always provided, That if any Negro ever be Possessor of more than eight Acres of Land in his own Right, may within six Months make Sale of the Overplus of the said Land, and, for want of Sale of the said Land in the aforesaid Time, the said Overplus above eight Acres to be forfeited to the Queen.

Minister marrying Free Person to Slave to forfeit 50% to be recovered by Governor's Warrant.

XXIV. And be it further enacted, That if any Minister of this Island shall marry any Free Person to any Slave in this Island, such Minister shall forfeit to the Use of the Publick fifty Pounds Current Money, to be recovered by Warrant under the Hand of the Governor in Chief, Deputy Governor, or President for the Time being, of said Island, in Nature of an Execution, directed to the Provost Marshal of this Island, who shall levy the same.

Free Person marrying Slave to forfeit 20% to Owner, or serve four Years.

XXV. And be it further enacted by the Authority aforesaid, That the said Free Person so marrying such Slave, shall pay to the Owner of the Slave he hath married, the Sum of twenty Pounds, or be obliged by Order of two Justices to serve four Years; all the aforesaid Forfeitures to be to the same Uses, and recovered after the same Manner, as before recited in this Act.

White Person beating Free Negro, &c. bound over for Punishment.

This Act provides no Punishment for maltreating a Slave: but see Act of the Leeward Islands, No. 36, S. 14. 16.

XXVI. And be it further enacted by the Authority aforesaid, That if any White Person shall strike, beat, or otherwise abuse any Free Negro, Indian, or Mulatto, on Proof thereof made to any Justice of the Peace, he shall be bound over to the Sessions, and be punished at the Discretion of the Justices then sitting; any Law or Usage to the contrary notwithstanding.

Dated the twenty-eighth Day of June, one thousand seven hundred and two, and in the first Year of the Reign of Queen ANNE, over England, Scotland, France, and Ireland, &c.

1st ANNÉ.

No. 131.

A. D. 1702.

An Act for regulating the Militia of this Island.

No. 131.

CONFIRMED
8th May,
1703.*See principally
Act of 30th
March, 1793,
(No. 485.)*

SINCE we are obliged by all the Reasons of Honour and Interest, to put ourselves in the best Posture of Defence, of which we are capable, and since Nothing, next under the good Providence of God, can so effectually contribute to our Preservation, as a severe, constant, and regular Discipline, from which no Person of any Rank or Estate soever ought to be exempted, it being contrary to the Principles of natural Equity, and therefore as unreasonable to exact, as absurd to hope, that Men of low Fortunes shall chearfully submit to Fatigues and Hazards, while those who are more deeply interested in the Publick, refuse to undergo the same.

II. Be it enacted by His Excellency *Christopher Codrington*, Esquire, the Chief Governor, by and with the Advice and Consent of the Counsel and Assembly of this Island, That our Militia shall henceforward be under the following Regulations: Our Troops shall be intirely formed into Infantry and Carbineers, who may serve both on Foot and Horseback, and into no other Species of Troops whatever; every Man from the Age of fourteen to sixty-five shall serve in the one or other, unless Cannoniers, Matrosses, and such other who are employed on the Forts; that none may serve in the Carbineers, but such as are entirely to be depended upon, they shall be named by the Commander in Chief, by and with the Consent and Advice of the Council.

*See No. 485,
S. 1.*

III. Provided always, That no Plantations be obliged to find more than one Carbineer, and the Whole be never less than sixty.

*See No. 480,
S. 2. first Pro-
viso.*

IV. The Infantry shall be provided with a good Firelock, a short strong Sword with Edge and Point, and a sizeable Cartridge Box; the Carbineers shall be furnished with a good Horse of twenty-five Pounds Value, Belts, Buckles, and Cartridge Box, proportionable Pistols of the same Bore with the Carbine, Boots fit to walk in, as well as ride in, and a Broad cutting Sword.

*See Proceed-
ings of Coun-
cil of War
[annexed to No.
485.] Sect. 5.
6.*

V. The Place of Parade and Rendezvous shall be appointed by the Commander in Chief, by and with the Consent and Advice of a Council of War.

*See latter,
Sect. 7.*

VI. The ordinary Meeting to exercise, shall be once in every Month, and whoever appears not on the Parade by eight in the Morning shall be esteemed absent.

*See No. 485,
S. 7. and Pro-
ceedings of
Council of
War annexed,
Sect. 8.*

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See No. 485,
S. 7.

VII. And that such Meetings may not be useless through the Laziness, Ignorance, or Indulgence of any Officer whatever, the following Method shall be always punctually observed: the Commanding Officer in the Field shall first exercise all the inferior Officers present at the Head of the Men, and then shall name two of them, of which, once over in his Turn, each shall exercise the Companies on the Parade through the manual Facing and Evolutions; the other Officers shall not stand in the Rear, but shall go through the Ranks to direct such as are ignorant or awkward, and to see that every Motion be performed with Grace and great Exactness, by which Means every Officer will be obliged to qualify himself for his Employ, and the Soldiers pay a more ready Obedience to such as they are satisfied know how to command them; the Companies shall then be divided into Platoons, and practise the several Sorts of Firings, burning only Powder in the Pan; after which every Officer and Soldier shall *fire with Ball at a Target*, and to conclude the whole, the Commanding Officers shall wheel the Companies by Divisions, and having formed and reduced them so often as he shall find necessary, he shall dismiss them at twelve of the Clock at farthest.

See No. 485,
S. 35.

General annual Rendezvous.

Prizes to be shot for;

and Fines then doubled.

See No. 485,
Sect. 45. Article XI.

See No. 485,
S. 9. 18. 22.

Acts of 12th April, 1800, (No. 545) S. 4. and No. 485, S. 30. alter Disposition of Fines.

VIII. Once in every Year there shall be a general Rendezvous of all our Forces at *Boyer's Pasture in North Sound*, that the Officers and Soldiers may be instructed in such Part of Military Duty as cannot well be performed by a few Companies: six Silver-hilted Swords, with Belts of six Pounds Value, shall annually be provided at the Public Charge, for such as shall make the best six Shots at a Target, at the general Rendezvous; and the Fines hereafter mentioned shall then be doubled for Absence, and all other Defaults whatever.

IX. Whatever Officer or Soldier shall endeavour to revenge himself on his Superior, for having obliged him to do his Duty, shall be punished at the Discretion of a Court Martial.

X. The Fines for Absence, or appearing without a Firelock well fixed, shall be as follows: A Colonel shall pay twelve *Pieces* of *Eight*, a Major eight, a Lieutenant Colonel ten, a Captain six, a Lieutenant four, an Ensign three; a Serjeant one and an Half, a Drummer two, and a Private Centinel one *Piece* of *Eight*, and each Carbineer two *Pieces* of *Eight* and a Half; which *Fines* shall be disposed of as follows; one third of the Whole to the Major of the Brigade, one third to the Adjutant of each Corps, and one third to such Serjeant of the respective Companies as the Major shall think most deserving it.

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XI. A Certificate shall be signed by the Commanding Officer in the Field of the several Defaults, by Virtue of which the Adjutant shall demand the Fine of the Delinquent, and if he shall refuse to pay the same on Sight of such Certificate, a Warrant shall be signed by the Colonel of the Regiment, or Commanding Officer of the Horse where the Default was committed, directed to the Adjutant for double the Fine, which the said Adjutant is hereby authorized to levy on the Goods and Chattels of the Offenders; a Colonel's Fine shall be levied by Warrant from the Commander of the Island for the Time being; if a Servant's or Apprentice's Default be occasioned by his Master or Mistress, the Master or Mistress shall pay the Fine; if private Soldiers shall be unable to pay their Fine, they shall ride the Horse, be piquetted, or tied Neck and Heels for one Hour.

*See No. 545,
S. 2. 3. 5. 6. 7.
8. superseding this Clause.*

XII. All those who are engaged in the Publick Service on the Forts and Fortifications of this Island, shall be subject to Martial Law.

*See Act of 6th
Nov. 1794,
(No. 495.)*

XIII. And because in Volunteer Service there is no Pay, Men are generally unwilling to be Serjeants, Corporals, or Drummers; they shall be named by any Field Officer, and the Captain of the Company where wanting; shall be obliged to serve two Years in their Turns.

*See No. 485,
S. 24.*

XIV. And that the Publick Wealth and Honour may never suffer through the Pride, Cowardice, or Laziness of any Man whatever; be it enacted by the Authority aforesaid, That Martial Law shall be in full Force, and duly executed, in all Time of actual Invasion, Insurrection, Alarms, or whenever the Commander, by and with the Advice and Consent of the Council and Assembly, shall think Guards necessary to prevent the spreading of contagious Distempers, or for any other Publick Benefit whatever.

*See No. 485,
S. 44.*

XV. A Regimental Court Martial for lesser Offences shall consist of one Field Officer at least, and six Captains or Lieutenants.

*See No. 485,
S. 54. Proviso.*

XVI. The Clothing of the Officers, the Clothing and Accoutrements of the Carbineers and Infantry, shall be appointed once in two Years by the Commander in Chief, by and with the Advice and Consent of a Council of War, consisting of all the Field Officers of the Carbineers and Infantry: Provided always, and it is the Intent of this Act, the same be plain and serviceable.

*See No. 485,
S. 6. and Proceedings of
Council of War annexed,
S. 2. 3. 5. 6.*

XVII. Every Officer of the Carbineers shall be attended with two able and trusty Negro Men, armed with good Firelocks and a good sharp

*Officer of Car-
bineers to be
attended with
two*

1st ANNE.

Nis. 131, 132.

A. D. 1702.

two armed
Negro Men,
and Private
with one.

sharp Bill; every private Gentleman of the same Body, one Negro Man, with red Coats, black Leather Caps, and equally armed.

See No. 485,
S. 30, and
Proceedings of
Council of
War annexed,
S. 4.

XVIII. There shall be three Colours to a Battalion, to be found by the Colonel, and the Lieutenant Colonel and Major; the Drums to be provided at the Expence of the respective Captains.

By No. 511,
S. 14. Orders
for Alarms by
Commander in
Chief indivi-
dually good.

XIX. Whatever Orders shall from Time to Time be made by the Commander in Chief (by and with the Advice and Consent of a Council of Officers,) for the making and continuing Alarms, shall be good and effectual as if particularly laid down in this Act; and whoever makes a false Alarm shall be punished at the Discretion of a Court Martial.

See No. 485,
S. 45. Article
LV.

XX. And whereas it is impossible that any Act can be so worded but that Difficulties may be started by perverse and unreasonable Men, be it enacted by the Authority aforesaid, That if any Doubt shall at any Time hereafter arise concerning the Construction and Execution of this Act in any Particular, the same shall be determined by the Commander in Chief, by and with the Advice and Consent of a Council of War, consisting of Field Officers.

Former Acts
of Militia re-
pealed.

XXI. All former Acts of Militia are hereby annulled and made void from this Day, to all Intents and Purposes whatsoever.

Act a Bar to
Action at
Law.

XXII. If any Person shall endeavour a Remedy at Law for any Thing done by Virtue of this Act, the same shall be pleaded and allowed in Bar of the Action; any Law, Custom, or Privilege to the contrary notwithstanding.

Dated at the Town of *Saint John's*, the twenty-eighth Day of *June*, one thousand seven hundred and two, and in the first Year of the Reign of Queen ANNE, over *England, Scotland, France, and Ireland, &c.*

No. 132. *An Act declaring the several Articles Martial Law shall consist of.*

REPEALED
by No. 399.
See Act of 30th
March, 1793.
(No. 485.)
Sect. 44. 45.

Dated 28th *June*, 1702.

1st ANNE.

Nis. 133, 134.

A. D. 1703.

An Act for establishing of Courts, and settling due Methods for the Administration of Justice in this Island. No. 133.

REPEALED
by subsequent
Acts.
See Act of 21st
Jan. 1791,
No. 475.

Dated 8th February, 1703.

An Act empowering a Council of Officers to appoint Methods for the repairing and carrying on the Trenches and Breast-works, clearing Ambuscade Paths, making and repairing Guard-houses, and Platforms, belonging to said Guards, and visiting the standing Guards of this Island. No. 134.

CONFIRMED
13th Dec.
1705.
For LAWS RE-
GARDING
FORTIFICA-
TIONS AND
HARBOUR-
WORKS; see,
with this, prin-
cipally, Acts of
15th March,
1705, (No.
138.) and 8th
Feb. 1733,
(No. 189.)

WHEREAS it is of absolute Necessity, in these Times of Danger, to erect, build, make, repair, and finish Breast-works, Trenches, Guard-houses, Platforms, and Ambuscade Paths, for the better Preservation and Defence of this Island; and to the End the said Work may speedily and effectually be accomplished:

II. Be it enacted by his Excellency Christopher Codrington, Esq; Captain General and Commander in Chief, by and with the Advice and Consent of the Council and Assembly of this Her Majesty's Island of *Antigua*, That it shall be in the Power of a Council of Officers (which said Council shall consist of the Field Officers of the three Regiments of Foot, and Body of Carbineers, with the respective Captains belonging to the same; provided always, the said Council consist not of less than the Commander in Chief, or Lieutenant Governor, or President of this Island, for the Time being, four Field Officers, and eight Captains, who shall be called together whenever the said Commander in Chief, Lieutenant Governor, or President, shall think meet and convenient) to direct and order one Quarter of all the Slaves young and old within this Island, and them to be the ablest Workers, for repairing the Trenches and Breast-works already appointed, making new ones, clearing Ambuscade Paths, and making Guard-houses and Platforms belonging to the said Guards, for the better Security of the same.

Council of
Field Officers
and Captains
empowered to
employ one
Fourth of
Slaves in re-
pairing
Trenches, &c.

III.

Captains to
summon Inha-
bitants to send
Slaves.

Inhabitant
neglecting to
forfeit 5s. per
Day for each
Slave.

To be levied
by Serjeant
under Cap-
tain's War-
rant.

Serjeant not
enforcing Fine
to pay it.

Masters (ex-
cept Aids de
Camp) to su-
perintend
Slaves, or be
imprisoned.

Officers neg-
lecting to
send Work-
men liable to
Fine.

Officers to
visit Guards
in turn.

Captain em-
powered to
appoint
Others in
turn to
Rounds,

who on Neg-
lect are to
forfeit 24s. to
be levied by
Captain's
Warrant, &c.

III. And be it further enacted by the Authority aforesaid, That the several Captains, within their respective Verges, are hereby obliged to issue out their Warrants to the Serjeants of their Companies to summon the Inhabitants to send their Proportion of Slaves, and whatever Person shall neglect or refuse daily to comply with the same, pursuant to the said Summons, for each Slave that is absent shall forfeit the Sum of five Shillings *per Diem*; which said Fine shall be levied by Warrant under the Hand of each Captain within his particular Verge by Distrain or otherwise, directed to the Serjeant, who is hereby impowered and required to execute the said Warrant, under the Penalty of paying the said Fine or Fines himself, or be confined upon the Fort until he complies with the same; and if any Master (the General's Aids de Camp excepted) shall neglect or refuse appearing with his Slaves at the said Publick Works, for each Day that he is absent, he shall be confined the Space of two Days upon the Fort within this Island, that his said Officer shall think most convenient.

IV. And it is further enacted by the Authority aforesaid, That if any of the above Captains, or other superior Officers, shall neglect or refuse to send their Hands to the said Works, a Warrant shall issue from under the Hand of the Commander in Chief, Lieutenant or Deputy Governor, or President, to levy the Fines and Forfeitures accruing thereby.

V. And whereas it is absolutely necessary to keep standing Guards in the Out Part of this Island, thereby the better to prevent any Depredations or Incursions, which otherwise may be made by the Enemy in the Night Time, which Guards, without being duly and constantly visited every Night, will be but of little Service; be it therefore enacted by the Authority aforesaid, That all the Commission Officers belonging to Horse and Foot, with the Body of Carbineers, are hereby obliged to ride each in their Turn to visit the said Guards, according to such Regulation and Appointment as shall be agreed on by the said Council of Officers, or the major Part of them; and it shall likewise be in the Power of each Captain, within his respective Verge, where there are any Persons capable of riding besides Officers, to order and appoint such to perform equal Duty with the Rest, and whoever shall neglect rounding in his Turn, for each Night shall forfeit the Sum of twenty-four Shillings, to be levied by Warrant from under the Hand of the Captain of the said Verge; if an Officer, by Warrant under the Hand of the Colonel, whose Regiment he shall belong to; if a Carbineer, by Warrant under the Hand of the Com-
manding

3d ANNE.

Nis. 134, 135.

A. D. 1704.

manding Officer of the said Carbineers; but if any Colonel shall neglect in his Turn, the said Fine shall be levied by Warrant under the Hand of the Commander in Chief, Lieutenant Governor, or President of the Island, for the Time being.

VI. And be it further enacted, That if any of the said Colonels or Captains shall refuse or neglect to grant their several Warrants above mentioned, which the said Officers by this Act are obliged to, they shall forfeit the Sum of five Pounds Current Money, for every such Neglect, as aforesaid, to be levied upon the said Officer or Officers, his or their Goods and Chattels, by Warrant from under the Hand of the Commander in Chief, Lieutenant, or Deputy Governor, or President of the Island, for the Time being, directed to any Field Marshal or Adjutant, whom the said Commander in Chief, Lieutenant Governor, or President, shall authorize to execute the same.

Officer refusing Warrant liable to 5*l*. Penalty.

To be levied by Governor's Warrant.

VII. Which Fines and Forfeitures, and all others mentioned in this Act, shall be appropriated to the following Uses; viz. one Half to the Serjeant or Sub-brigadier, for his Pains and Trouble in executing the said Warrants, and the remaining Half to be distributed, by the respective Captains, amongst the standing Guards, where such Defaults shall be committed; any Law, Custom, or Usage to the contrary notwithstanding.

Fines to go Half to acting Serjeant and Half to standing Guards.

Dated the twenty-eighth Day of *June*, and in the third Year of the Reign of Our Sovereign Lady Queen ANNE, over *England, Scotland, France, and Ireland, &c. Anno Domini*, one thousand seven hundred and four.

CHRISTOPHER CODRINGTON.

GEORGE GAMBLE, *Speaker*.

An Act for holding a Court of Chancery in this Island, by the Lieutenant Governor, or President, and Council, in the Absence of the Commander in Chief, and for the more speedy Dispatch of Causes in the said Court.

No. 135.
REJECTED
by the Queen.

Dated 3d July, 1704.

3d ANNE.

Nis. 136, 137.

A. D. 1704.

No. 136.
OBSOLETE.

An Act encouraging the Inhabitants of this Island to serve on such standing Guards, as have been appointed by a Council of Officers, for the better preventing any Depredations, as otherwise may be committed for Want of the same.

Dated 5th September, 1704.

No. 137.
See Act of
15th May,
1769, (No.
314.) princi-
pally Sect. 6.

An Act to prevent Seamen belonging to Her Majesty's Ships of War, or any [other] Merchant Ship or Vessel, trading in, to, or about this Island, from deserting the Ships or Vessels to which they belong.

PREAMBLE.

WHEREAS the Seamen belonging to Her Majesty's Ships of War frequently desert the same, by being encouraged by the Masters of Merchant and other Vessels and Sloops, trading in, to, or about this Island, or by the Inhabitants thereof, who clandestinely receive and protect them, whereby it happens that either the Queen's Ships must want their due Complement of Seamen, or, by being supplied from the Merchant Ships, great Injuries may be done to those Masters that are innocent, to the manifest Prejudice of their Owners, and Discouragement of Trade; for the preventing which Mischiefs for the future:

ACT.
Master, &c.
before Sailing
to state on
Oath, (if re-
quired) before
Governor or
Treasurer
what Persons
he has taken
on Board.

II. Be it enacted by his Excellency Sir William Matthew, Knight, Captain General and Commander in Chief, with the Council and Assembly of this Island, and it is hereby enacted by the Authority of the same, That no Ship or Vessel whatsoever shall sail from any Port, Harbour, or Creek of this Island, but that the Master, Mate, or any other Person thereunto belonging (if thereunto required) shall be obliged to give an Account, upon Oath, to the best of his or their Knowledge, to the Commander in Chief, Lieutenant Governor, or President of this Island, for the Time being, or to the Treasurer of the same, what Seamen, Soldiers, or other Person or Persons of any Kind, Degree, or Quality soever, they have taken on Board their Ship or Vessel, since their last Arrival in any Port, Harbour, or Creek of this Island.

III.

3d ANNE.

No. 137.

A. D. 1704.

III. And, for further Prevention of all Frauds of this Nature, shall also be obliged to swear that they will not take off any other Person or Persons, either from the Shore, or out of any Boat or Vessel whatsoever, riding at Anchor in any Port, Harbour, or Creek of this Island, or coming from any such Port, Harbour, Creek, or any Part thereof; and further, that they will not connive at or conceal any such Person or Persons on Board their Vessels, under any Colour or Pretence whatever.

Masters, &c.
to swear they
will not trans-
port any Per-
sons, other
than those ac-
counted for.

IV. And be it further enacted by the Authority aforesaid, That if any Person, being thereunto required, shall refuse to take the said Oath, or, having taken it, shall refuse to answer directly to such Questions as shall be asked him, relating to any of the Matters or Things above recited, such Person so refusing shall be forthwith committed to the Common Gaol, there to remain without Bail or Mainprize, until he shall have taken the said Oath.

Persons refus-
ing Oath, or
direct Replies,
to be com-
mitted to
Gaol.

V. And in case any Person or Persons shall be convict, by due Proof or Confession, before any three Magistrates of this Island, of having wittingly, wilfully, or knowingly forsworn himself, in any Answer or Answers, Question or Questions of him asked or demanded, by the Commander in Chief, Lieutenant Governor, or President for the Time being, or Treasurer, as aforesaid, that such Person or Persons, so falsifying and forswearing themselves, shall incur, and actually suffer all the Pains and Penalties to be inflicted upon any Person convict of wilful Perjury, in any of Her Majesty's Courts of Record at *Westminster*.

Forswearing
liable to same
Penalty as
wilful Per-
jury in the
Courts of
Westminster.

VI. And be it further enacted by the Authority aforesaid, That if any Inhabitant of this Island, of what Degree or Quality soever, or any Master or Mate of any Vessel now riding at Anchor, or which hereafter shall come to any of the Harbours or Roads of this Island, shall, from and after the tenth Day of *October* next ensuing, harbour, conceal, support, or protect any Seafaring Man whatsoever, belonging to any Ship or Vessel riding at an Anchor in any Harbour of this Island, over and besides their own Ship's Company, particularly any Person belonging to any of Her Majesty's Ships of War, or attending the same, unless duly discharged from the said Service, such Persons being thereof convict, by due Proof or Confession of the Fact, before any three Magistrates of this Island, shall be finable at the Discretion of the said Magistrates, in any Sum not under five, nor exceeding twenty Pounds Current Money of this Island, which said Party, so fined, shall stand committed, until he pays the same,

Inhabitants or
Mariners con-
cealing Sea-
men belong-
ing to Ships
in Harbour to
be fined, not
under 5*l*. nor
above 20*l*. and
committed till
Payment.

See No. 314,
S. 5.

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or

3d ANNE.

No. 137.

A. D. 1704.

or shall receive such Corporal Punishment, as the said Magistrates shall think fit.

Sailors' Wages
under 10*l*. to
be determined
by one Jus-
tice; above
10*l*. by three
Justices.

VII. And be it further enacted by the Authority aforesaid, That where any Difference or Dispute shall for the future happen to arise between a Master of any Vessel, and his Sailors or Mariners, relating to Wages, or otherwise, for any Sum not exceeding the Value of ten Pounds Current Money, it shall be decided by any one Magistrate; and all above, by three, or any two of them, to whom Application shall be made on that Occasion, to hear, try, and determine the same.

Master or Ma-
riner disobey-
ing Judgment,
to be com-
mitted till
Compliance.

VIII. And if any Master or Mariner shall refuse to obey whatever shall be adjudged or determined by such Justice or Justices, as aforesaid, he or they, so refusing, shall be committed to the Common Gaol without Bail or Mainprize, there to remain until such Time as due Obedience shall be given to such Determination or Judgment, as aforesaid.

Creditor of
Sailor for
more than 5*s*.
(except by
Consent of
Master or
Purser) to lose
Debt, and for-
feit 5*l*.

IX. And to obviate whatever may occasion the Common Seamen for the future to desert their respective Vessels, and Duty on Board the same; be it enacted by the Authority aforesaid, That whoever shall give Credit to any Seafaring Man under the Degree of a Master or Purser (except it be by Consent of the said Master or Purser) for any Sum exceeding five Shillings Current Money, such Person or Persons giving such Credit, shall forfeit all and every such Sum or Sums of Money so trusted, and also forfeit the Sum of five Pounds Current Money, to be levied upon his or her Goods and Chattels, by Warrant from any of Her Majesty's Justices of the Peace in this Island, before whom Proof thereof, by the Oath of any good and creditable Persons, shall be made; to be paid to the Churchwardens for the Use of the Poor of the Parish, where such Offence shall be committed.

Levied by
Distress.

Application of
Fine.

Fines, not
otherwise dis-
posed of, to go
Half to Use of
Poor, Half to
Informers.

X. And be it further enacted, That the Fines, Forfeitures, and Penalties, in this Act before appointed, and not herein already disposed of, shall be, the one Half to the Use of the Poor of the Parish, where such Offence shall be committed, and the other Half to him or them, who shall inform or sue for the same, wherein no Essoign, Protection, or Wager of Law, or *Non vult ulterius prosequi*, shall be allowed; any Statute or Usage to the contrary notwithstanding.

No Essoign,
&c.

Warrants
against Per-
sons on Ship-
board to be
directed to
Marshal

XI. And be it further enacted, That all Warrants from any of Her Majesty's Justices of the Peace, against any Person aboard any Ship or Vessel, riding within any of the Harbours, Creeks, or Inlets
of

3d ANNE.

Nis. 137, 138.

A. D. 1704.

of this Island, shall be directed to the Provost Marshal, or Deputy, or any lawful Constable of the Place, who are hereby impowered to execute the same, and for so doing, to receive six Shillings, and all Persons to be aiding and assisting to the said Officers, as aforeaid, in the due Execution of such Warrants; any Law or Usage to the contrary notwithstanding.

Marshal or
Constable.

Fee for exe-
cuting War-
rant 6s.

All Persons to
aid Officer.

Dated at the Town of *St. John's* the fifth Day of *September*, and in the third Year of the Reign of our Sovereign Lady Queen ANNE, *Anno Domini*, one thousand seven hundred and four.

WILLIAM MATTHEW.

RICHARD OLIVER, *Speaker*.

An Act for building and erecting Timber and Boarded Houses on the Fortification of Monkshill, and providing a constant Supply of Provisions there, for the Entertainment and Safety of the Women and Children, superannuated Persons, and decrepit, or otherwise disabled Men, Inhabitants of this Island, on all Occasions of an Invasion by the Enemy.

FOR LAWS
REGARDING
FORTIFICA-
TIONS AND
HARBOUR-
WORKS, see
with this,
principally,
Acts of 28th
June, 1704,
(No. 134,) and
8th Feb. 1733,
(No. 189.)

WHEREAS the Number of Inhabitants of this Island was always small, and is at this Time rendered less than it has been, by Means of the Discouragements given by the frequent Insults of our Enemies; and as Nothing, in case of an Invasion, can more encourage small Numbers of Men valiantly to behave themselves, than the Consideration of having their Wives and Children secured from the Barbarity of the Negroes and *Indians*, as well as the Insults of the *French*, who frequently, in their warlike Attempts in these Parts of the World, bring the said Infidels with them, to strike Terror in the Minds of the People, as the most certain and effectual Means to facilitate a Conquest:

PREAMBLE.

II. And the said Fortification at *Monkshill* on this Island was begun, and, at a vast Expence of the Inhabitants for these sixteen Years last past, continued, and at this Time is still carrying on, with almost an incredible Charge for so small a People, on Consideration,

RECITAL.

and with a full Purpose and Intent, the same at all Times, on the Landing of an Enemy, should, and for ever shall be, and remain for the Accommodation, Entertainment, and Safety of the Women, Children, superannuated Persons, and such others, as are decrepit or unable to march into the Field of Battle, whereby the rest of the Inhabitants may be the readily prompted to fight courageously against the Enemy, in Defence of this Her Majesty's Island of *Antigua* :

III. To obviate therefore all Disputes which have arisen, or hereafter may arise, for or concerning the Use of the said Fortification, and the Intent and Purpose of erecting the same, and to prevent the Inconveniencies or Mischiefs which may otherwise happen by such Disputes; be it enacted by the Honourable *John Johnson*, Esquire, Commander in Chief of Her Majesty's *Leeward Caribbee* Islands in *America*, &c. and the Council and Assembly of this Her Majesty's Island of *Antigua*, and it is hereby enacted and declared by the Authority of the same, That the aforesaid Fortification, called and known by the Name of *Monkshill Fortification*, doth at this present Time, and at all Times hereafter, shall enure, be, and for ever remain to the Use, Benefit, and Purposes before recited in this Act; any Usage, Pretence, or Custom to the contrary in any wise notwithstanding.

ACT.
Monkshill
Fortification
to be for ever
to the Uses in
the *Recital*.

On Invasion,
Women, Chil-
dren, &c. to
be admitted at
Monkshill,

with their
Books, Pa-
pers, &c.

Books, Pa-
pers, &c. of
others to be
also received.

Officer, &c.
refusing Ad-
mittance,
liable to Ac-
tion.

IV. And be it further enacted, That at all Times of actual Invasion, all Women, Children, superannuated, or other decrepit, or disabled Persons, as aforesaid, have free Liberty, and are hereby required to repair to and enter the said Fortification, and to remain under the Protection of the same, during such Invasion; (into which no Officer belonging thereto, or any other Officer or Commander, of what Degree, Rank, and Quality whatsoever, shall on any Score or Pretence whatsoever refuse Admittance) together with the Books, Papers, Writings, and Goods of the said Women, Children, and disabled Persons, and the Books, Papers, Writings, and Goods of any other Person or Persons, belonging to or inhabiting this Island, for the better Security and Preservation of the same.

V. And be it further enacted by the Authority aforesaid, That any Officer, Commander, or other Person, who shall refuse or hinder any Person, Books, Writings, Papers, or Goods coming, or being brought, or carried into the said Fortification, as directed and allowed by this Act, shall be liable to be prosecuted for all the Damage, which shall be justly made appear to have happened or accrued thereby, by Bill, Complaint, or Information, in any Court of Record within

5th ANNE.

No. 138.

A. D. 1705.

within this Island, where this Act being brought in Evidence, no Essoign, Protection, or Wager in Law shall be allowed. No dilatory Plea.

VI. And whereas it is of absolute Necessity, Timber and Boarded Houses be speedily erected within the said Fortification, for the Uses and Purposes before mentioned, and as the Charges of supporting the Government for the present Year, incumbent on the Treasury, is already so great, that it is certain, by Reason of the Crops falling short, occasioned by a great Number of Negroes being imployed in carrying on the said Fortification, and other Publick Works, it will be very difficult to find Ways and Means to raise sufficient Funds for defraying the said Charge: RECITAL.

VII. Be it therefore enacted by the Authority aforesaid, That all the spare Ground within the said Fortification be forthwith laid out by the Surveyor General, in Proportions and Lots of twelve Foot one way, and fourteen the other, in such Places, and no other, as shall be directed by the Commander in Chief, Lieutenant Governor, or President for the Time being; and that Workmen be forthwith imployed to erect, at the Publick Expence of the Island, Houses on one hundred of the said Proportions only, for the Entertainment of the poorer Sort of Inhabitants, who are not of a Capacity to build at their private Cost, the remaining Lots being hereby declared vacant, and free for all other Persons, being Masters or Mistresses of Families, to build upon respectively: Provided always, and it is the true Intent and Meaning hereof, That no House built, as aforesaid, be otherwise than of Board and Timber; Six Foot in Height to the Top of the Wall Plate, and in Breadth and Length according to the said Allotments, every Roof being of a Pitch exactly alike; in which Houses so built, either at the Publick, or Private Charge, no Person whatever, or their Heirs, shall have any Interest, or Right, but a Privilege to the Use of only, as directed by this Act; any Law, Custom, or Usage to the contrary notwithstanding. ACT. Surveyor General to lay out Ground for building one hundred Houses only for the poorer Inhabitants. The remain- ing Land, free for Masters of Families to build on. The Houses to be of Timber: their Proportion. Occupiers to acquire no Estate by Privilege of using.

VIII. Be it further enacted by the Authority aforesaid, That the Treasurer of this Island for the Time being, shall, during the present War, purchase, and to prevent perishing, as Occasion shall be, again to dispose, and repurchase such Quantity of Provisions, as may be necessary for the Support of the said Fortification, in case the said Island should be attacked, according to such Orders and Directions, as he shall, from Time to Time, receive from the Commander in Chief, Lieutenant Governor, or President, and the Council, and Assembly of this Island, but no otherways. Treasurer, as directed by Governor, &c. to purvey Provisions for Fortification.

Dated

5th ANNE.

Nis. 138—141.

A. D. 1705.

Dated in the Town of *St. John's* the fifteenth Day of *March*, in the fifth Year of the Reign of Her Majesty Queen ANNE, over *England, Scotland, France, and Ireland*, Defender of the Faith, &c. *Annoq; Domini*, one thousand seven hundred and five.

JOHN JOHNSON.

RICHARD OLIVER, *Speaker*.

No. 139.

REPEALED
by subsequent
Acts.See Act of 21st
Jan. 1791,
(No. 475.)

An Act for establishing a Court of Queen's Bench and Common Pleas, and for the better regulating and settling due Methods for the Administration of Justice.

Dated 6th February, 1711.

No. 140.

REPEALED.

See Act of 21st
Jan. 1791,
(No. 475.)

A Supplementary Act to an Act, intituled, An Act for establishing a Court of Queen's Bench and Common Pleas, and settling due Methods for the Administration of Justice, bearing Date the sixth Day of February, one thousand seven hundred and eleven.

Dated 7th February, 1711.

No. 141.

PRIVATE.

An Act to enable Baptist Looby of the said Island, Esquire, and Margaret his Wife, Guardians of the Body and Estate of Anne Hathorne, an Infant, under the Age of one and twenty Years, sole Daughter and Heir of Samuel Hathorne, late of the said Island, Surgeon, deceased, to sell and dispose of the Lands hereinafter mentioned, late the Estate of the said Samuel Hathorne, whereby to raise Monies for the Payment of the Debts of the said Samuel Hathorne, and to raise a Fortune for the said Anne Hathorne the Daughter.

Dated 18th May, 1713.

An

12th ANNE.

Nis. 142—146.

A. D. 1713.

An Act for the making void a Voluntary Settlement made No. 142.
 by Humphry Osborne, of the Island aforesaid, PRIVATE.
 Esquire, of his Plantation at English Harbour in
 the said Island, and for the enabling him to sell and
 dispose thereof.

Dated 18th May, 1713.

An Act to repeal an Act that vests the Duties of Wines and No. 143.
 other Liquors imported into this Island, to the sole Use
 and Benefit of his Excellency Walter Douglass, &c.

Dated 12th February, 1713.

An Act for the better regulating Negroes, and the suppress- No. 144.
 sing their Conspiracies and Profanation of the Lord's REPEALED
 Day. by Act of 1st
Feb. 1722,
(No. 174.)
The repealing
Act is obsolete.

Dated 2d September, 1714.

An Act to enable Richard Cochran, and Archibald No. 145.
 Cochran, Esquires, to sell and dispose of certain Lands PRIVATE.
 in Old North Sound, in the said Island of Antigua.

Dated 29th October, 1715.

An Act to lay a Duty on foreign Sugars, Rum, Molasses, No. 146.
 and Cotton, imported into this Island. REJECTED
by the King.

Dated 17th November, 1715.

An

1st Geo. I.

Nis. 147—150.

A. D. 1715.

No. 147. *An Act for establishing a Court of King's Bench, Common Pleas, and Errors, for the better regulating and settling due Methods for the Administration of Justice, and limiting a Time for issuing Execution out of the Court of Chancery.*

REJECTED
by the Lords
in Council,
30th Jan. 1717.

Dated 2d March, 1715.

No. 148. *An Act to prevent the Increase of Papists and Nonjurors in this Island, and for better governing those who are already settled here.*

REJECTED
by the King.

Dated 2d March, 1715.

No. 149. *An Act to indemnify Anthony Brown, and John Elliot, of the aforesaid Island, Gent. from a certain Bond, and Articles of Agreement by them entered into with George Pullen, Carpenter, for the building a Church in the Parish of Saint Philip's, in the said Island, and to charge the said Parish with the same.*

PRIVATE.
REJECTED.

Dated 9th March, 1715.

No. 150. *An Act for constituting a Court of Chancery in this Island.*

CONFIRMED
by the Lords
in Council
30th Jan.
1717.

REPEALED
IN PART by
Act of 19th
May, 1732,
(No. 188.)
AMENDED by
Act of 15th
Sept. 1801,
(No. 557.)

WHEREAS by long Experience we have found great Corruptions and Delays, and other Inconveniencies, by Courts of Chancery being held in this Island by one Person; for preventing the like Evils for the future, and that we may be under the same Regulation, and enjoy the same Advantages that our neighbouring Colony of Your Majesty's Island of Barbadoes has for many Years past, to the great Encouragement of Trade, and general Satisfaction of all Your Majesty's good Subjects in that Island:

2d GEO. I.

No. 150.

A. D. 1715.

II. We therefore Your Majesty's most loyal and obedient Subjects, his Excellency *Walter Hamilton*, Esquire, Captain General and Commander in Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council, and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from henceforth all and every Court or Courts of Chancery, which shall be holden for this Island of *Antigua*, shall consist of and be holden by the Captain General, or Governor in Chief of the said *Leeward* Islands, for the Time being, and five or more of the Council of this Island at least.

Court of Chancery to consist of Commander in Chief, and five Councilors.

III. Provided always, and in case where any Person or Persons, who are or shall be Councillor or Councillors of this Island, shall happen to be Party or Parties in such Cause or Causes as shall be depending in the said Court of Chancery hereby constituted, or are now depending in the Court of Chancery in this Island, in all and every such said last mentioned Case or Cases, the Captain General, or Chief Governor of the said *Leeward* Islands, for the Time being, and any three Councillors of this Island, shall be a sufficient Number to hear and determine all Matters in the said Court, with as full Power as the Captain General and Governor in Chief, and five of the Council, have by Virtue of this Act in other Cases; and all Proceedings, which shall hereafter be before any Person or Persons whatsoever, as Chancellor or Chancellors of this Island, contrary to the Direction and Appointment of this Act, shall be null and void to all Intents and Purposes.

If a Councilor be Party in Cause, Commander in Chief and three Councilors a sufficient Court.

By No. 557, S. 1. the Presiding Officer and two Counsellors not interested a sufficient Court.

So much of this Act as interferes with the King's appointing a Chancellor is repealed by No. 188.

IV. Provided always nevertheless, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Injunctions, *Subpœnas*, and other Process issuing out of the said Court, shall be granted, signed, and sealed, by the Captain General, or Governor in Chief, for the Time being, as hath been usual, and no otherwise; and all Fees, Profits, and Perquisites heretofore paid to the Chancellor of this Island, shall be paid to the Captain General, or Governor in Chief, as hath been heretofore used; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Injunctions, &c. to issue from Commander in Chief.

By No. 557, S. 2. if Commander in Chief absent, and Locum Tenens interested, next senior Member of Council, and two other Members not interested, a sufficient Chancery.

Dated at the Town of *St. John's* this tenth Day of *March*, in the second Year of the Reign of our Sovereign Lord *GEORGE*, by the Grace of God, King of *Great Britain, France, and Ireland*, Defender

2d GEO. I.

Nis. 150—153.

A. D. 1715.

of the Faith, &c. *Annoq. Domini*, one thousand seven hundred and fifteen.

WALTER HAMILTON.

ARCHIBALD COCHRAN, *Speaker*.

No. 151.

CONFIRMED

12th Nov.

1716.

PRIVATE.

An Act to enable Andrew Murray of this Island of Antigua, Planter, and Elizabeth his Wife, to aliene, or settle by Deed, certain Lands and Tenements within the said Island of Antigua, and to make such Deeds effectual, to bar all Estates Tail, created or in being, of the said Lands.

Dated 24th May, 1716.

No. 152.

REJECTED

26th May,

1719, by Or-

der of King

in Council.

An Act to prohibit the Importation of French and other Foreign Sugars, Rum, Cotton, or Molasses into this Island.

Dated 19th June, 1716.

No. 153.

ENLARGED

AND AMEND-

ED by Acts of

25th April,

1755, (No.

206,) and 1st

June, 1767,

(No. 295.)

REPEALED

AS TO TWO

CLAUSES by

Act of 14th

May, 1784,

(No. 422.)

*For Laws pro-**moting the**WHITE PO-**PULATION,**see Nos. 194.**206. 214. 295.**and 569. en-**couraging the**Impor-*

An Act for encouraging the Importation of White Servants to this Island.

WHEREAS Nothing can be a stronger or surer Defence to this Island, in Times of War and Invasion, than a sufficient Number of White People, who are now wanting, and cannot be better supplied than by the Importation of White Servants, which though endeavoured to be effected by Laws heretofore made, has not succeeded, by reason of the small Encouragement given to the Importers, and other Imperfections in such Laws; therefore for the supplying thereof:

II. We Your Majesty's most loyal and obedient Subjects his Excellency *Walter Hamilton*, Esquire, Captain General and Commander in Chief in and over all Your Majesty's *Leeward Caribbee Islands*

2d GEO. I.

No. 153.

A. D. 1716.

Islands in *America*, and the Council, and Assembly of Your Majesty's Island *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Persons in this Island, who are Masters, Owners, or Possessors of any *Slaves, to the Number of fifteen*, shall be obliged, in eighteen Months Time from the Date hereof, *to find a well armed White Man* to appear in the Militia of this Island; and that *for every twenty*, which they shall own or possess *after the first Fifteen*, they shall likewise be obliged to find *one armed Man* to appear, as aforesaid; and all Persons shall, and are hereby obliged to render a just Account of their Slaves upon Oath to the Treasurer for the Time being, *once a Year, in ten Days* warning given by the said Treasurer, on Penalty of suffering Imprisonment in the Common Gaol of this Island, without Bail or Mainprize, until he or they shall do the same.

III. Provided, and it is the true Intent and Meaning hereof, That such Person or Persons, Owners, or Possessors of such Slaves, hath or shall be possessed of them sixty Days.

IV. And be it further enacted by the Authority aforesaid, That all Importers of Christian Male Servants, [*being Protestants*,] which shall not be, under the Age of Fifteen, nor exceeding the Age of forty Years, in the Judgment of the Treasurer of this Island; and for an Encouragement to all those Persons, who shall import Servants to this Island, agreeable to the Ages above mentioned, and have not made Sale of the same in twenty Days after their Arrival; that then, and in such Case the Treasurer for the Time being shall be obliged, on Application made to him by such Importer, forthwith to receive all such Servants unsold, and be obliged to pay such Importer in fifteen Days Time, after such Servants are so delivered to the Treasurer, out of the Publick Stock of this Island, eighteen Pounds *per Head*.

V. And the Treasurer for the Time being shall, and is hereby declared to have full Power and Authority to place and distribute the Servants so by him received, upon any Person or Persons, or Plantations, as he shall find wants armed Servants, as by this Act he or they are obliged to find, to appear in the Militia of this Island; and on Default of the Persons or Plantations, as such Christian Servants shall be placed upon by the said Treasurer or his Order, to pay the same, he the said Treasurer is, and shall be hereby fully authorized and empowered to levy the Payment, with reasonable Charges for such Servant or Servants so placed by him, as aforesaid, and the said Treasurer shall

Importation of Servants; and Nos. 118. 123. 127. and 199. encouraging Settlers.

By subsequent Acts one White Man for every forty Slaves, under Penalty of 53l. 6s. 8d. for each White deficient; Time of Accounting every 25th January.

Provided Owners have possessed Slaves 60 Days.

Treasurer to pay Importer 18l. per Head for White Male Servants, [see No. 422, S. 2.] aged from 15 to 40;

if not sold in 20 Days.

See further Bounty, in Act of 11th Feb. 1740, (No. 194,) S. 8.

Treasurer to place Servants on Plantations wanting armed Servants.

By No. 194. End of S. 8. Public to bear the Charges.

2d GEO. I.

No. 153.

A. D. 1716

Treasurer's Charges of maintaining and delivering Servants, to be allowed.

Treasurer to be sworn to distribute Servants impartially.

Treasurer not to place Servants where fewest wanted; to remove Servant so placed, in ten Days.

Dead Servant not to be replaced for two Years, unless all Proprietors supplied.

Imported Servant under 17, and without Indenture, to serve till of Age.

Justices to certify Servant's acknowledged or adjudged Age.

Servant of Master without Certificate, to serve four Years.

Indenture's Term to be fulfilled, not exceeding seven Years.

Servant completing his Time to have Gratuity with Certificate of Freedom.

be allowed out of the Publick Treasury all such Charges as he shall expend in maintaining the Servants appointed in this Act by him to be received, until he shall place the same, as aforesaid, and all such Charges as he shall be at, in hiring Persons to deliver the Servants where he shall place them, as is hereby directed.

VI. And be it further enacted by the Authority aforesaid, That the Commander in Chief, or the Lieutenant Governor of this Island, for the Time being, shall cause the respective Treasurers to be sworn to place all Servants, as by this Act he shall receive into Possession, equally and impartially, placing one apiece on them wanting most of their Complement, by this Act to be found for the Militia; and if the said Treasurer be certainly informed of any Persons or Plantations wanting more Servants, he shall not place any on Persons wanting fewer in Number, but shall, on good Information, remove such Servant or Servants to any Person or Persons, or Plantations, that want the most in Number (if he know it) after the Servants so placed, in the Space of ten Days.

VII. Provided always, That such Treasurer shall not place a Servant in the Place of any dead, for the Space of two Years, from the Time of the Decease of such Servant or Servants, unless all others be supplied with their Complement in this Act appointed.

VIII. And be it further enacted by the Authority aforesaid, That all Servants imported into this Island, who by their own Knowledge, or Judgment of two Justices of the Peace, shall appear to be under seventeen Years of Age, and have no Indentures, shall serve until he or they arrive to the Age of twenty-one Years, from such Age so by them acknowledged to the Justices aforesaid, or so adjudged by the said two Justices, which Acknowledgement or Judgment shall be set down in Writing under the Hand or Hands of such Justice or Justices hearing the said Acknowledgement, or adjudging their Age, as aforesaid, within one Month's Time from the Time of purchasing or receiving the said Servant or Servants, and no otherwise; and all and every the Servants for whom the Master or Mistress shall have no Certificate, as is hereby directed, shall serve four Years, and no more; but all others having Indentures, shall, and are hereby obliged to fulfil the Tenor of such Indentures, the same not exceeding seven Years.

IX. And be it also enacted by the Authority aforesaid, That any Servant having duly compleated his Time of Service appointed by this Act, shall, within ten Days after, have and receive from their respective

2d GEO. I.

No. 153.

A. D. 1716.

respective Master or Mistress four hundred Pounds of Muscovado Sugar, or Tobacco, or fifty Shillings in Money, or in Lieu thereof, a good Gun and Cartouch Box to that Value, together with a Certificate under his or their Master's or Mistress's Hand of their being free; and on his or their Refusal shall forfeit three Pounds Current Money of this Island, on the first Demand.

Master, on Refusal, to forfeit 3/.

X. And be it further enacted by the Authority aforesaid, That no Person imploy or cause to be imployed any Person not having a Certificate, as is herein before required, unless such Servant so free hath been out of his Servitude twelve Months, on Penalty of forfeiting one hundred Pounds Current Money for his or her Default.

No Person to employ Servant, without Certificate, unless Servant 12 Months free, on Penalty of 100/.

XI. And it is hereby enacted by the Authority aforesaid, That all Contracts with any Servant, purchased as by this Act appointed, shall, and are hereby declared to be utterly void, unless such Contract be by the Consent of their respective Master or Mistress.

Contracts with Servant, without Master's Consent, void.

XII. And be it further enacted by the Authority aforesaid, That if any Person shall turn free a Sick Servant, that the Churchwardens of the Parish where the Offender lives, or any Magistrate, shall be impowered to place out the said Servant, and to oblige the Master or Mistress to pay for their Maintenance, and to fine the Offender twenty Pounds; one Moiety for the Use of His Majesty, His Heirs, and Successors, and the other Moiety for the Use of the Publick of this Island; which Fine, and the Charge of maintaining them during their Sickness, to be recovered by Warrant under the Hand of any Magistrate, directed to the Constable of the Parish or Division where the Offender lives.

Sick Servant turned free to be placed anew. First Master to pay Maintenance and be fined 20/.

Half to the King; and Half to the Public of Antigua.

Recovered by Justice's Warrant.

XIII. And be it further enacted by the Authority aforesaid, That every and each Servant during his Servitude, as aforesaid, shall have and be allowed from their respective Master or Mistress, *ten Pound of Fish or Flesh per Week, with seven Pound of Flour, Bread, Bisket, or Casada, or in Lieu thereof, three Pounds of Indian Provision for every Pound of such Bread, and shall have one Coat, three Jackets, three Shirts, three Pair of Drawers, three Pair of Shoes, one Hat, two Pair of Stockings, for each Year, and convenient Lodging during the Term; and any Master or Mistress failing herein, shall, on Proof made before a Justice, forfeit any Fine not exceeding six Pounds Current Money, at the Discretion of the said Justice before whom such Complaint shall be brought.*

Servant's Provision and Clothing.

For increased Allowances in Lieu of these, under an increased Penalty, see Act of 25th April, 1755, (No. 206,) S. 3. 4. 5. 6. 7. 8. See also No. 295, S. 3. as to Cost of Women Servants' Dress.

XIV. And it is hereby further enacted and ordained, That if any Servant shall make two just Complaints of his or their Master or Mistress

Servant, on third just Complaint of Want

2d GEO. I.

No. 153.

A. D. 1716.

Want of Pro-
vision or Ill-
usage, to be
set free.

Justice's Cer-
tificate to en-
title freed
Servant to
Employ.

Servant strik-
ing his Master,
or imbezzling
Goods to 40s.
Value, to serve
a Year, &c.

Extra Service
to be per-
formed when
Time expired.

Free Person
marrying Ser-
vant without
Master's Con-
sent to pay
100l: if Ser-
vant Trades-
man, double.

Servant ab-
sent, or im-
prisoned, to
serve double
the Time lost.
Servant enter-
taining ano-
ther Servant
24 Hours, to
be whipped,
or serve three
Months.

Free Person
entertaining
Servant, to
forfeit 20l.

Clause re-
pealed by No.
422, S. 1.

Mistress not finding them Victuals, Clothing, and Lodging, as herein before directed, or of any other inhuman Abuses, such Servants shall be set free by any two or more Justices before whom the third Complaint shall be made, and appear by Certificate under their Hands, which shall be a sufficient Authority for any Person within this Island to imploy and entertain such Servant as free.

XV. And be it enacted by the Authority aforesaid, That any Servant, who shall strike or resist his Master or Mistress, or Overseer, or shall purloin, steal, or imbezzle his Master's or Mistress's, or any other's Goods, to the Value of forty Shillings, shall serve for such Crime, proved before a Justice, the Space of one Year; and, in case a less Value shall be stolen or purloined, shall serve any shorter Time, adjudged by the Discretion of the Magistrate, before whom the said Servant shall be convict thereof: Always provided, That any Service hereby due to any other besides their Master or Mistress, shall be complied with after the Determination of their Time with their first Master or Mistress, and no otherwise. [*Extended by No. 295, S. 4. to White Women Servants.*]

XVI. And be it further enacted, That if any Free Person intermarry with a bound Servant, without Consent of his Master or Mistress, shall pay one hundred Pounds Current Money to the Owner of such Servant for his Freedom, and if the Servant married be a Tradesman, then the Penalty herein required, to be double.

XVII. And be it further enacted, That any Servants absenting themselves from their Master or Mistress, or being lawfully imprisoned, by doing any Thing not the Command of their Master or Mistress, shall serve double the Time by such Occasion lost to the Owner; and any Servant entertaining another Servant the Space of twenty-four Hours, shall be whipped by Order of a Justice, or serve the Party injured three Months, at the Election of the Owner of such Servant so run away; as also that any Free Person entertaining any Servant the Space of twenty-four Hours, on Proof made before a Justice that the Servant entertained was known by him or her to be a Servant, to forfeit twenty Pounds. [*Extended by No. 295, S. 4. to White Women Servants.*]

[XVIII. And be it also enacted by the Authority aforesaid, That this Act shall be read four Times a Year by each Captain of the Militia (that is to say) at every third Meeting at the Head of his Troop or Company, on the Penalty of the Forfeiture of three Pounds Current Money for each Neglect.]

2d GEO. I.

No. 153.

A. D. 1716.

XIX. And be it enacted by the Authority aforesaid, That all Complaints of Masters, Mistresses, or Servants, to be heard and determined by Virtue of this Act, shall be heard and determined before the respective Number of Justices herein mentioned, who are hereby authorized, impowered, and required to determine what respectively to them belongs; and if any Master, Mistress, or Servant shall think themselves aggrieved by the Determination of any Justice or Justices, they may have a Rehearing of such Complaints before the Justices sitting at the next Sessions; (excepting in Corporal Punishments, which are to be immediately executed, from which no further Appeal is to be allowed;) and all Servants making wrong or untrue Complaints, shall be punished at the Discretion of the Justices sitting in Sessions. [*Extended by No. 295, S. 4. to White Women Servants.*]

Justices to determine Differences between Masters and Servants.

Appeal to next Sessions allowed;

Except Corporal Punishment ordered.

Untrue Complaints punishable.

XX. And be it further enacted by the Authority aforesaid, That all Fines and Forfeitures in this Act specified, and not declared, how, and in what Manner to be levied and disposed of, shall be recovered by Warrant from a Justice to any Constable, if not above six Pounds, and by Warrant from two Justices for any Fine exceeding six Pounds; which Constable is hereby fully impowered to execute the said Warrants, and to take reasonable Fees for the same; one Half of such Fines shall be and enure to the Person complaining, and the other Half to the Poor of the Parish where the Offender lives, and all Penalties of Servitude to be to the Parties injured.

By No. 194. S. 9. Fine or Tax for Deficiency in White Servants, to be levied and applied as therein. By No. 206, S. 8. Clause, as to other Fines, is confirmed.

XXI. And be it further enacted by the Authority aforesaid, That all and every Person or Persons whatsoever, who shall not at the End of the Term of eighteen Months next ensuing the Date hereof, be furnished and supplied with all and every such Servants, as is hereby before directed and appointed, such Person or Persons so making Default, shall forfeit and pay for every such Servant so wanting of his, her, or their Numbers hereby required, after the Expiration of the said Term of eighteen Months, the Sum of ten Pounds per Annum, and so proportionably for any less Time that any such Servant or Servants shall be wanting and unsupplied, after the said Term of eighteen Months expired: To be applied to and for such Uses and Purposes, and to be levied in the same Manner, as Fines exceeding six Pounds, are hereby before directed and appointed to be applied and levied.

See in Act of 8th May, 1792, (No. 483,) S. 1. 2.; Proportion lessened, and Fine augmented to 53l. 6s. 8d.

See in No. 295, S. 1. Allowance for Women Servants, to be deducted from Fine.

See No. 194, S. 9. for Levy and Application.

XXII. And be it, and it is hereby enacted by the Authority aforesaid, That no Person or Persons shall be compelled or compellable to receive any Servant or Servants, by Virtue of this Act, and the Treasurer is hereby required not to take or receive any Servant or Servants

Clause repealed by No. 422, S. 2. so far as that White Servants need take Oaths of Allegiance only.

2d GEO. I.

Nis. 153—155.

A. D. 1716.

N. B. Act referred to in Clause (No. 148.) was rejected by the King.

Servants imported, or to be imported, unless such Servant or Servants shall first take *all* the Oaths, and subscribe the Declaration mentioned in a certain Act of this Island (intituled, *An Act to prevent the Increase of Papists and Nonjurors in this Island, and for the better governing those who are already settled here*; dated at *St. John's*, the second Day of *March* last past) before the Treasurer himself, who is hereby impowered to administer the same to such Servants only, or unless such Servant or Servants, or the Master or Person importing the same, do produce a Certificate of each such Servant's having taken and subscribed the same, under the Hand and Seal of the Mayor or Chief Officer of the Place where they are sworn.

Dated at *Parham* this eleventh Day of *July*, in the Year of our Lord God one thousand seven hundred and sixteen, and in the second Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

WALTER HAMILTON.

ASHTON WARNER, *Speaker*.

No. 154. *An Act for appointing an Agent to negotiate the Affairs of this Island.*

REPEALED
subsequently.
See Act of 22d
Dec. 1698,
(No. 109.)

Dated 16th August, 1716.

No. 155. *An Act for the erecting and building a new Church in the Town of St. John's, in this Island, in the Room and Stead of the present Parochial Church of the Parish of St. John's, in the Town aforesaid, and for raising a yearly reasonable Tax for maintaining and constant repairing of the same.*

PRIVATE.

Dated 24th November, 1716.

An

2d. GEO. I.

Nis. 156—158.

A. D. 1716.

An Act to quiet the present Possessors of Lands, to limit Actions, and avoid Suits in Law. No. 156.

Dated 8th February, 1716.

REPEALED
by Act of 28th
Feb. 1718,
(No. 163.)

An Act to enable Giles Watkins and Samuel Watkins to alien, grant, or devise a Plantation, situate, lying, and being in the Parish of St. John's, in the Division of Dickenson's Bay; as also some Pieces of Land situate and being in the said Parish, and in the Division of Popeshead in this Island, or to charge the same with Portions for younger Children. No. 157.

Dated 29th March, 1717.

CONFIRMED
31st July,
1717.
PRIVATE.

An Act for constituting a Court Merchant.

WHEREAS many Differences happen between Persons trading to and from this Island, and Others resident thereon, which, by reason of the Necessity of the sudden Departure of such trading Persons, and of the Witnesses concerned therein, cannot be decided in the usual Courts, according to the ordinary Time therein accustomed and allowed, to the great Detriment and Injury of such trading Persons:

II. For the preventing whereof, We Your Majesty's most loyal and obedient Subjects, the Governor and Commander in Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island of Antigua, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Chief Judge of this Island for the Time being, or in case of his Death, Absence, or Sickness, the Senior Judge [of either Precinct,] upon Petition of any Person or Persons who shall hereafter arrive, and such Person or Persons first making Affidavit in Writing before the Chief Judge for the Time being, or any Assistant of the

No. 158.
AMENDED
AND MADE
PERPETUAL
by Act of 13th
July, 1719,
(No. 165.)
ENLARGED
by Act of 31st
Dec. 1799,
(No. 541.)

Chief Justice
or Senior
Judge; [By
No. 541, S. 2.
Abolition of
Courts for se-
parate Pre-
cincts, and In-
stitution of
Court of C.P.
for the whole
Island, notic-
ed; and Pro-
cedure under
Court Mer-
chant directed
to be framed
accordingly]

4th GEO. I.

No. 158.

A. D. 1717.

accordingly]
on Petition,
and

Court of [*King's Bench and*] Common Pleas of this Island, in Manner and Form following, viz.

Affidavit;

I A. B. do swear, That I do fully design and intend to depart from this Island in the Ship or Vessel now lying in the Harbour of within this Island, by the first Departure of the said Ship or Vessel from this Island, and that I did not at my coming to this Island, or at any Time since, intend to reside in this Island for any Time exceeding six Months after my Arrival here, and that the Goods by me sold, and for which I do now desire to have this Court called, are belonging to myself, or to Persons not residing withing this Island, and are not directly or indirectly sold for the Benefit or Advantage of any Person or Persons residing within the same :

to cause Court
to be held in
four Days after
Petition.

shall cause a Court to be held within four Days after such Petition delivered, and the making due Publication thereof.

Petitioner to
file Declara-
tion in Secre-
tary's Office,
and annex
Copy of it to

III. And that such Person or Person so petitioning as aforesaid, shall file a Declaration in the Secretary's Office of this Island, as usual in other Cases, a true Copy thereof, attested by the Secretary or his lawful Deputy, and annexed unto a Writ of Summons, which Writ of Summons shall be in the Form following:

Writ of Sum-
mons;

GEORGE, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To our Provost Marshal of our Island of Antigua, or his lawful Deputy Greeting. We command you to summon A. B. to be and appear before our Justices of our Court Merchant, to be held for this Island the Day of next, at of the Clock in the Forenoon, at the Town of then and there to answer the Action or Actions commenced against him by C. D. and hereof you are not to fail, as you will answer the contrary at your Peril; and do then and there make a due Return of this Writ of Summons, Witness our Chief Justice of our said Island. [or our Senior Assistant for the Precinct of —]

and serve
them on De-
fendant two
Days before
Court.

Which said Declaration and Writ of Summons annexed, shall be served upon the Person of the Defendant, or left at his House, or most usual Place of Abode, at least two Days before the Sitting of the Court.

On Oath of
Summons and
Defendant's
not pleading,
Judgment

IV. And if the Defendant makes Default, and Oath made of being duly summoned, or appearing shall not join Issue of the Matter of Fact, or plead some good Matter in Bar of the Action, or in Abate-
ment

4th GEO. I.

No. 158.

A. D. 1717.

ment of the Writ, or demur, the Plaintiff's Evidence shall be taken, and Judgment shall be immediately entered against the Defendant; but if the Defendant join Issue, plead, or demur, then a Day shall be given for Trial of the said Matter of Fact, or determining the said Matter of Law the next ensuing Court, which shall be held within four Days after the Sitting of the former; and if at that Day the Defendant make Default, when called, Judgment shall be entered against him as aforesaid; and if he does appear, then the Fact to be tried by the Jury to be summoned the Day before.

Judgment to be entered on Plaintiff's Evidence.

If Issue joined, Trial to be had in four Days after.

On Defendant's Default, Judgment, &c.

V. And if any Plea in Abatement or Demurrer be allowed by the Court, then the Plaintiff shall immediately amend, paying fourteen Shillings Cost, and the Defendant shall then join Issue, and Judgment shall be immediately given on the Verdict, unless the Defendant desire a Day to move in Arrest of Judgment, which shall be granted by the Court, so that it be not above three Days longer Time, and Execution shall issue thereon the next Day after Judgment, either by *Fieri facias* to take the Goods, or *Capias ad satisfaciendum* to take the Body of the Defendant, at the Plaintiff's Election, unless Judgment staid by Motion in Arrest of the same, and in case the Plaintiff shall neglect to appear at any Sitting of the Court, when called, then a Nonsuit to be entered against him.

Proceedings on Plea of Abatement, or Demurrer—on Arrest of Judgment, &c.

By No. 541, S. 3. Process, where not directed by this Act, to be assimilated as much as possible to that of the C. P.

VI. And be it further enacted by the Authority aforesaid, That all Goods, Chattels, and Negroes, which shall hereafter be levied on by any Writ of Execution for any Debt recovered by Virtue of this Act, shall, at the Defendant's Charge, at the next adjacent Town, be exposed to Sale in three Days by the Provost Marshal or his lawful Deputy, between the Hours of eight and twelve of the Clock in the Forenoon, and be accordingly sold by Out-cry at the highest Price then offered; and the Produce of such Sale, or as much thereof as shall be sufficient to discharge the Debt, Damages, and Costs, shall be immediately delivered to the Plaintiff.

By No. 165, S. 1. 2. 3. Sale by Outcry repealed, and Appraisement substituted; and by S. 4. Merchantable Produce, on four Day's Notice, to be fair Tender for Debt, if Jury approve Price.

VII. And if the Defendant shall fail to bring such Goods, Chattels, and Negroes, so levied on as aforesaid, to the said Town, then the said Marshal or his Deputy shall give Notice where the same are, and that they are to be exposed to Sale the next Day, at the Place where they lie, and between the Hours aforesaid; in such Case also the Marshal is hereby required to hire Cattle and Cart for the Carriage of the same, and charge the Defendant therewith; and if it appear on the Sale that the said Goods levied on are not sufficient to satisfy the Plaintiff, then the Marshal or his Deputy is to proceed, and attach further, and expose the same to Sale in Manner aforesaid,

On Defendant not bringing Goods to Town, Marshal to sell them where they lie, &c.

Further Levy on Deficiency.

Surplus to go
to Defendant.

Marshal to file
Certificate of
Sale.

Three Justices
a Court.

By No. 541,
S. 1. Limita-
tion as to the
Sum is remov-
ed.

Fees of Chief
Justice, &c. in
Court Mer-
chant, as by
Docket in
other Cases.

Plaintiff to ad-
vance 42s. for
Charges of Ju-
ry, to be al-
lowed in
Costs.

Freeholders
calling Court
Merchant may
proceed im-
mediately by
Warrant of
Arrest.

By No. 541,
S. 1. Limita-
tion of Sum re-
moved.

Transient De-
fendant to
find Bail;

Or, if Defend-
ant goes into
Custody,
Plaintiff need
file Declara-
tion only two
Days before
next Court
Day.

till the Plaintiff be fully satisfied; and if any Thing remains after all the Charges are paid, it shall be returned to the Defendant, and the Marshal or his Deputy shall make Certificate in Writing of every such Sale, and Return, and file the same in the Secretary's Office of this Island.

VIII. And be it further enacted, That the Chief Justice of this Island, or in case of his Death, Absence, or Sickness, the Senior Assistant [*of either Precinct of this Island,*] and any two of the Assistants [*of either Precinct,*] be and are hereby appointed and authorized to hold a Court for Trial of all Actions of Debt or Case for Goods, Wares, and Merchandizes, *not exceeding the Sum of one hundred Pounds*, which shall be prosecuted as aforesaid, by any Transient Person against a Resident of this Island, or by a Resident against a Transient, or by a Transient against a Transient.

IX. And be it further enacted, That on all Actions prosecuted by Virtue of this Act, the same Fees shall be paid to the Chief Justice, Secretary and Marshal, as are taken by the Docket of Fees appointed for that Purpose, with this Alteration only, that where any Cause comes to be tried by a Jury, the Plaintiff shall pay down forty-two Shillings, Current Money of this Island, into Court, to defray the Charges of the Jurors, which is to be paid equally amongst the Jurors, after a Verdict brought in, and not before, which said forty-two Shillings shall be allowed in Cost of Suit.

X. And be it further enacted by the Authority aforesaid, That where any Person or Persons, being a known Resident or Residents, Freeholder or Freeholders, within this Island, shall desire any Court to be called by Virtue of this Act, for the prosecuting any Transient Person for any Debt, or in any Action of the Case for Goods sold, *not exceeding one hundred Pounds*, such Person or Persons, so desiring such Court to be called, shall not be obliged to make any such Affidavit as is required where the Transient Person is the Plaintiff, but shall and may proceed by Warrant of Arrest, as is usual against such Transient Person or Persons, who shall be obliged to find Security by two sufficient Freeholders to answer the Effect of the Suit, and satisfy the Judgment, or else to surrender the Body of the Defendant, as usual in Cases of Bail, or else the Defendant shall be and remain in Custody; and in the last mentioned Case, the Plaintiff shall only be obliged to file his Declaration two Days exclusive before the next Court Day, and shall not be obliged to any other Service thereof.

4th GEO. I.

Nis. 158—160.

A. D. 1717.

XI. And be it, and it is hereby enacted by the Authority aforesaid, That all Debts due as aforesaid, not exceeding ten Pounds, Current Money of this Island, shall be determined upon Complaint by the Court alone without a Jury, for which no more Fees shall be taken than for Complaints in the Courts of King's Bench and Common Pleas.

Suits for Debts not exceeding 10^l. determinable by Court without Jury.
Fees as for Complaints.

XII. And be it further enacted by the Authority aforesaid, That the Court hereby established shall be a Court of Record, during the Continuance of this Act, and the Jurors making Default of Appearance shall be liable to be fined by the Court in a Sum not exceeding forty Shillings; and that this Act shall continue in Force for three Years and no longer, from the Date thereof.

Court a Court of Record: Absent Jurors fined not exceeding 40s.

Made perpetual by Act of 18th July, 1719, (No. 165,) S. 5.

Dated at the Town of *St. John's*, this eleventh Day of *September*, in the Year of our Lord God one thousand seven hundred and seventeen, and in the fourth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith.

WALTER HAMILTON.

ASHTON WARNER, *Speaker*.

An Act to enable Arthur Freeman, and Dorothy his Wife, to sell and convey a certain Plantation within the said Island, to raise Portions and make Provisions for Henry Symes and Elizabeth Athy, Children of the said Dorothy by her former Husband George Symes, deceased.

No. 159.
CONFIRMED
19th May,
1720, by Order
of King in
Council.
PRIVATE.

Dated 1st March, 1717.

An Act for laying an Additional Duty upon Wines and other Liquors, which shall be imported into this Island.

Dated 2d October, 1718.

No. 160.
REJECTED by
Order of King
in Council,
May 26th
1719.

An

5th GEO. I.

Nis. 161 — 163.

A. D. 1718.

No. 161. *An Act for declaring the Qualifications of those who shall vote for Assembly or Vestrymen in this Island, or serve as such, and for ascertaining the Rules, Rights, and Privileges of Assemblies.*

REJECTED
by Order of
King in Coun-
cil, 24th Aug.
1721.

Dated 10th December, 1718.

No. 162. *An Act for establishing a Court of King's Bench, Common Pleas, and Errors, for the better regulating and settling due Methods for the Administration of Justice, and limiting a Time for issuing Execution out of the Court of Chancery in this Island.*

REJECTED
by Order of
King in Coun-
cil, 24th Aug.
1721.

Dated 12th February, 1718.

No. 163. *An Act to quiet present Possessors of Lands, to limit Actions, and avoid Suits in Law.*

See with this,
Act of 21st
July, 1692,
(No. 83.)

WHEREAS upon the first Settlement of this Island, many Persons took up great Tracts of Land, who did not settle or improve the said Lands, but departed from the same, so that the said Island was in great Danger of being deserted and left uninhabited, had not the Government encouraged others to take up the said Lands, by giving Patents, Grants, and Warrants for the same, which the Government thought might lawfully and reasonably be done upon the Failure of such Non-settlers; and many Persons also, for valuable Considerations, did make several Purchases of Lands and Tenements within this Island, which Purchasers, and after Settlers, as aforesaid, have made considerable Improvements at their great Expence both of Money and Time, and, since the late Wars with the *French*, have been at a Charge in Taxes, surmounting the Value of the said Land, and have exposed their Persons upon all Occasions in the Defence and Preservation of this His Majesty's Island, and have by their great Pains and Industry advanced the same, and have raised the Value of Lands therein to a very great Degree, as well as increased the

5th GEO. I.

No. 163.

A. D. 1718.

the Revenue of the Crown: And whereas Suits are daily commenced and prosecuted against such Settlers and Purchasers, to their great Disquiet, upon Pretence of former antient Titles, contrary to Justice; therefore for preserving and quieting the said Purchasers and Settlers in their Possessions, and for preventing litigious Law Suits:

II. We Your Majesty's most loyal and obedient Subjects the Governor in Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Manner of Persons in Possession of any Lands or Tenements within this Island, and who have quietly possessed the same for the Space of five Years next before the Date of this Act, by Virtue of any Patent, Warrant, Grant, Deed, or any other legal Conveyance whatsoever, duly recorded, shall, and are hereby confirmed in their Right and Title thereunto, and are hereby declared to have good Right and lawful Title to the same, for and during such Estate or Estates, as he, she, or they have, and are possessed of in the same, according to the Purport, and true Intent, and Meaning of such Patent, Grant, Warrant, Deed, or other Conveyance in Writing duly recorded, as aforesaid, against all Manner of Persons, their Heirs, Issues, Executors, Administrators, and Assigns, claiming the said Lands or Tenements in Fee-Simple, or Fee-Tail, for Life, or Lives, or Years.

III. Except always nevertheless such Persons as shall prosecute their Title to such Lands or Tenements within three Years after the Date of this Act, and such Persons being under Age of one and twenty Years, Women Covert, Persons of Nonsane Memory, or beyond the Seas out of this Government, or Persons in Prison, their Heirs, Executors, and Administrators, as shall prosecute their Title within three Years after their full Age, Discoveriture, coming of sane Memory, or first Arrival within this Island, or Enlargement out of Prison.

IV. Provided nevertheless, That this Act shall in no wise affect or bar any future Right that may arise or accrue to His Majesty, His Heirs, or Successors.

V. And be it also enacted by the Authority aforesaid, That if any Person or Persons whatsoever (other than Heirs or Issues in Tail, or the Executors, Administrators, or Assigns of any Person having such present Right, as aforesaid) to whom any Right or Title of, in, or to any such Lands, Tenements, or Hereditaments, shall hereafter descend

ACT.
Quiet Possession of Lands for five Years before Act to be sufficient Title;

and to bar future Claims.

Except against Suitors in three Years after Act, or Removal of Disability.

Act not to bar any future Right of the King.

Rights hereafter descending not prosecuted in three Years after Accruer, to be barred.

5th GEO. I.

No. 163.

A. D. 1718.

descend or come, do not prosecute such Right or Title within three Years after such Right or Title first accrued, fallen, or come, that then, he, she, or they, and all claiming by, from, or under them, or any of them, shall be for ever barred to recover the same in Law or Equity.

Except against
Suitors in
three Years
after Removal
of Disability.

VI. Excepting always, such married Women, Persons under Age, of nonsane Memory, or beyond the Seas out of this Island, or Persons in Prison, as shall prosecute their respective Rights within three Years next after their becoming discoverd, of full Age, of sound Memory, or arriving within this Island, or being enlarged out of Prison.

Respecting
Rights exist-
ing when Act
passed, Suitors
in Times li-
mited, making
out Title, to
recover Value
of Land.

VII. Provided always, That if any Person or Persons whatsoever, now having any Right or Title of, in, or to any such Lands and Tenements, his, her, or their Heirs, Issues, Executors, Administrators, and Assigns, claiming the same in Fee-Simple or Fee-Tail, for Life, Lives, or Years, shall, and do prosecute, commence, or bring any Action, Suit, Bill, or Complaint whatsoever, for the Recovery of the same, within the respective Times herein before limited, and shall make appear a good and lawful Title to the same; then the Person so making such Title appear, shall recover the Value of the said Land; if such Recovery be at Common Law, the Value to be assessed by the Jury impanelled to try the said Cause; if the same shall be recovered in Equity, then a Writ to issue to the Provost Marshal, or his lawful Deputy, under the Great Seal of these Islands, or the Private Seal of the Commander in Chief, for the Time being, commanding him or them to impanel a Jury of twelve Freeholders of this Island, upon Oath (which the Provost Marshal, or his lawful Deputy, are hereby impowered to administer) to value the said Lands, for which Sum so valued and assessed, a Decree shall be given, and for no more; nor shall any Judgment or Decree pass for the said Lands and Tenements themselves, in the Cases aforesaid.

At Law, to be
assessed by
Jury trying
Cause; in
Equity, by
Jury purpose-
ly impanel-
led.

Decree to be
for Value
only: not for
the Lands.

VIII. Except only where future Rights shall hereafter fall, and be prosecuted within the Times herein before expressed, in which Cases the Lands, Tenements, and Hereditaments themselves are to be recovered.

If future
Rights prose-
cuted accord-
ing to the Li-
mitations, the
Lands to be
recovered.

Jury to regard
Circumstan-
ces in Clause
in valuing
Land.

IX. Provided always, That the Jury in the before mentioned Cases do value the said Lands and Tenements, with respect to the *Place where the same is situated*, and the *Time when the Person or Persons, under whom the present Possessors now claim, first derived their Title to the same*, and with respect to the *Estate the Person or Persons, Plaintiff*

5th GEO. I.

No. 163.

A. D. 1718.

Plaintiff or Plaintiffs, Defendant or Defendants, shall appear to have on such Trial; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

X. And whereas several Persons have purchased of former Treasurers and Churchwardens of this Island several Parcels of Lands, which have been sold for the Publick and Parochial Taxes, which have been, from Time to Time, assessed, and laid on such Lands, pursuant to the Laws of this Island then in Force, and have paid valuable Considerations for the same, and due Entry made thereof in the Books of the said Treasurers or Churchwardens; yet, through the Neglect or Omission of such Purchasers, Treasurers, and Churchwardens, no Deeds of Sale or Conveyance in Law are to be found on Record for the same; nor have several other Circumstances been observed, according to the Direction of the said Acts, in that Case made and provided: RECITAL.

XI. Be it therefore enacted by the Authority aforesaid, That all Person or Persons whatsoever, having purchased such Lands and Tenements of any Treasurers or Churchwardens within this Island, being impowered to sell the same, by Virtue of the Acts aforesaid, for Non-payment of any Dues, Taxes, or Assessments, and due Entries made thereof in the Books of the said Treasurers or Churchwardens, are hereby declared lawfully and rightfully intitled to the same, and confirmed in the Possession thereof, to them, and their Heirs for ever, to all Intents and Purposes whatsoever, as though they had sufficient Deeds and Conveyances duly recorded for the same, and that all other Circumstances and Ways required by the before mentioned Acts, had been observed, executed and performed. ACT.
Purchasers of
Land from
Treasurer or
Churchwar-
dens, under
former Laws,
confirmed

XII. Provided, That Nothing contained in foregoing Clause, or any other Part of this Act, shall be construed to affect, impeach, or prejudice any Title to any Lands or Tenements whatsoever, for which any Suits in Law or Equity have been commenced, and are now depending in the Courts of Common Law or Equity in this Island. Act not to
affect Title
where Suit
depending.

XIII. And be it further enacted and ordained by the Authority aforesaid, That all Actions of Trespass *Quare clausum fregit*, all Actions of Trespass, Detinue, Actions of Trover and Replevin for taking away Goods and Cattle, all Actions of Account and upon the Case (other than such Accounts as concern the Trade of Merchandizes between Merchant and Merchant, their Factors, or Servants) all Actions of Debt, for Arrearages of Rent, and all Actions of Debt grounded upon any Lending or Contract without Specialty; all Limitation of
Actions:

5th GEO. I.

No. 163.

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On the Case
for Debt,
Trespass, &c.
in three Years.

Assault, &c.
two Years.

On the Case
for Words
spoken, one
Year.

On Reversal,
Arrest of
Judgment, or
Outlawry,
new Action
may be com-
menced in a
Year.

Plea disclaim-
ing Trespass,
as involuntary,
and previous
Tender of
sufficient
Amends, to
bar Action.

Actions of Assault, Menace, Battery, Wounding, or Imprisonment, or any of them, which shall be sued or brought at any Time after the Day of the Date hereof, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after; that is to say, The said Actions upon the Case (other than for Slander) and the said Actions for Trespass, Debt, Detinue, and Replevin for Goods and Cattle, and the said Actions for Trespass *Quare clausum fregit*, within three Years next after the Day of the Date hereof, or within three Years next after the Cause of such Action or Suit, and not after; and the said Actions of Trespass of Assault, Battery, Wounding, Imprisonment, or any of them, within two Years next ensuing the Day of the Date hereof, or within two Years next after the Cause of such Action or Suit, and not after; and the said Action upon the Case for Words within one Year after the Day of the Date hereof, or within one Year next after the Words spoken, and not after.

XIV. And nevertheless be it enacted, That if in any of the said Actions or Suits Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment being given against the Plaintiff, that he take Nothing by his Plaint, Writ, or Bill, or if any of the said Actions shall be brought by Original, and the Defendant therein be outlawed, and shall after reverse the Outlawry, that in all such Cases the Party Plaintiff, his Heirs, Executors, or Administrators, as the Cause shall require, may commence a new Action or Suit, from Time to Time, within a Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

XV. And be it further enacted, That in all Actions of Trespass *Quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim in his or their Plea to make any Title or Claim to the Land, in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence, or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, or that the Trespass was by Negligence, or involuntary, and a Tender or Offer of sufficient Amends for such Trespass before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be forced to join Issue; and if the said Issue shall be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and all other Suits concerning the same.

XVI.

5th GEO. I.

No. 163.

A. D. 1718.

XVI. And be it further enacted by the Authority aforesaid, That in all Actions upon the Case for slanderous Words, to be sued or prosecuted by any Person or Persons, in any of the Courts of Record in this Island, or in any Courts whatsoever that have Power to hold Plea of the same, after the Day of the Date hereof, if the Jury upon the Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, do find and assess the Damage under forty Shillings, then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assest amount unto, without any further Increase of the same; any Law, Statute, Custom, or Usage to the contrary in any wise notwithstanding.

In Actions of Slander, Damages under 40s. not to carry higher Costs.

XVII. Provided nevertheless, and be it further enacted, That if any Person or Persons, that is or shall be intitled to any such Action of Trespass, Detinue, Actions Sur-Trover, Replevin, Actions of Accounts, Actions of Debts, Actions of Trespass, for Assault, Menace, Battery, Wounding, or Imprisonment, Actions upon the Case for Words, be, or shall be, at the Time of any such Cause of Action given or accrued, fallen, or come, within the Age of twenty-one Years, Feme Covert, *non compos Mentis*, in Prison, or beyond the Seas, that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times, as are before limited after their coming to, or being of full Age, discover, or sane Memory, at large, and returned from beyond Seas into any Part of this Island, as other Persons having no such Impediment should have done.

Persons under legal Disability may bring Actions within the Times in Sect. 18, after Disability removed.

XVIII. And be it further enacted by the Authority aforesaid, That one Act passed in this Island, intituled, *An Act to quiet present Possessors of Lands, to limit Actions, and avoid Suits of Law*, dated the eighth Day of *February*, one thousand seven hundred and sixteen, shall be repealed, and the same is hereby repealed and made void.

Act of 8th Feb. 1716, (No. 156,) repealed.

Dated at the Town of *St. John's*, this twenty-eighth Day of *February*, in the fifth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, King of *Great Britain, France, and Ireland*, Defender of the Faith, &c. and in the Year of our Lord God, one thousand seven hundred and eighteen.

WALTER HAMILTON.

ASHTON WARNER, *Speaker*.

No. 164. *An Act for the better securing and confirming the Title of*
PRIVATE. *George Thomas, Nephew and Heir to William Thomas,*
late of the said Island, Esquire, deceased, to certain
Lands and Negroes purchased of John Barnes, Gentle-
man, by the said William Thomas.

Dated 13th July, 1719.

No. 165. *An Act to alter and amend an Act, intituled, An Act for*
constituting a Court Merchant.

ENLARGED,
with the Ori-
ginal Act, by
Act of 31st
Dec. 1799,
(No. 541.)

RECITAL.
Part of No.
158, S. 6. at-
tended with
ill Effects.

WHEREAS by an Act, intituled, *An Act for constituting a Court Merchant*, dated at the Town of *St. John's*, the eleventh Day of *September*, in the Year of our Lord God one thousand seven hundred and seventeen, it is among other Things enacted, ' That all Goods, ' Chattels, and Negroes, taken in Execution for any Debt, recovered ' by Virtue of that Act, shall be exposed to sale by Publick Out- ' cry, at the highest Price then offered, in the Manner therein di- ' rected: ' Which, by the great Scarceness of Money in this Island, proves of very ill Consequence, by causing many Persons to dispose of their Sugar, Rum, Cotton, and other Produce of this Island, at an Under-value :

II. We therefore Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That whenever any Sugar, Rum, Cotton, Molasses, Ginger, Indigo, Tobacco, or any other the Produce of this Island, shall be taken in Execution, by Virtue of the above recited Act, that a Warrant shall issue under the Hand and Seal of the Chief Justice of the said Island, or, in case of his Sickness or Absence, under the Hand and Seal of the next Senior Judge of the Court, commanding the Plaintiff and Defendant within two Days to nominate two Persons, on each of their Behalf, to value and appraise upon

ACT.
If Produce
taken in Exe-
cution, Parties
to name two
Appraisers
each.

Oath

5th GEO. I.

No. 165.

A. D. 1719.

Oath, as usual, such Sugar, Rum, Cotton, and other the Produce of the said Island, as abovementioned, together with the Cask or Bag wherein the same is contained; and in case either Party shall refuse to nominate Appraisers as aforesaid, or that the Appraisers so nominated shall neglect or refuse to act, or shall not agree at what Rate to value the said Goods, that then and in such Case the Chief Judge (or, in his Sickness or Absence, the next Senior Judge) is hereby ordered and directed to nominate an Appraiser or Umpire to value the same, and the said Commodities, when valued and appraised as aforesaid, shall be delivered to the Plaintiff in Satisfaction of his Debt; and if such Goods, when appraised, shall come to more than will pay the Plaintiff's Debt, that in such Case the Plaintiff shall satisfy the Defendant for such Overplus.

On Parties refusing, or Appraisers not attending, or not agreeing, Judge to name Umpire.

Produce appraised to be delivered to Plaintiff.

Plaintiff to satisfy Defendant for Surplus.

III. And be it further enacted, That when any Appraiser or Appraisers, or Umpire, so nominated, and being duly served with the Warrant, shall neglect or refuse to act, pursuant to such Warrant, he or they shall respectively forfeit the Sum of fifty Pounds Current Money of this Island; and an Attachment to issue against such Person or Persons refusing to pay the same; and when paid, to be applied to the Use of His Majesty, His Heirs, and Successors; one Moiety towards building and repairing the Forts and Fortifications of this Island, and the other Moiety towards defraying the Charges of holding the said Court; and if such Umpire appointed by the Chief Justice, or Senior Judge, shall refuse to act as aforesaid, that then the Chief Justice, or Senior Judge, is hereby authorized to appoint any other Person to be Umpire, who shall be under the same Penalties as Appraisers and Umpires beforementioned.

Appraiser or Umpire disobeying Warrant to forfeit 50/.

Application of Fine.

Umpire refusing to act, Judge to appoint new.

IV. And be it further enacted by the Authority aforesaid, That Sugar, Rum, Cotton, Molasses, Ginger, Indigo, Tobacco, or any other merchantable Commodities of the Produce of this Island, brought down to any legal Paying-place in this Island (unless a Place be particularly agreed on) in Casks or Bags, and there tendered (four Days Notice being given of such Tender) shall be a good and legal Tender in all Cases within this Act, provided the same be tendered at a Price that shall be approved by the Jury that tries the Cause.

Produce brought to legal Paying-place a good Tender, &c.

V. And whereas the said Act for constituting a Court Merchant is but temporary, and being found a good and useful Law; be it, and it is hereby enacted and declared, That the same, with the Alterations made by this Act, shall be, and is hereby made perpetual; any Thing in the said recited Act notwithstanding.

Act No. 158, as altered by Act, to be perpetual.

Dated

5th GEO. I.

Nis. 165—167.

A. D. 1719.

Dated at the Town of *Parham*, the thirteenth Day of *July*, in the fifth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord God one thousand seven hundred and nineteen.

WALTER HAMILTON.

ASHTON WARNER, *Speaker*.

No. 166. *PRIVATE* An Act for encouraging of Thomas Sainthill in his new Projection of hanging Coppers in this Island for boiling of Sugar, and for making small and cheap Wind-mills, for the more easy and speedy grinding of Canes, likewise for building Horizontal Wind-mills for grinding of Canes; and likewise an Engine for forcing of Water in Boiling-houses or Still-houses, from any Depth; and for building of Lime-Kilns to burn Lime after a more easy and expeditious Manner, than hath been yet found out, with Brush, Fieldtrash, or any Sort of small Wood.

Dated 7th November, 1719.

No. 167. *PRIVATE* An Act for encouraging of John Slap in his new Projection of making of a Mill for the more easy and speedy grinding of Canes, and likewise, when the Wind doth not serve, to go with Horses.

Dated 30th March, 1721.

An

7th GEO. I.

Nis. 168, 169.

A. D. 1721.

An Act for selling Flour, Corn, and Biscuit by Weight.

No. 168.

OBSOLETE.

Dated 11th April, 1721.

An Act to impose a Duty on Sugar, Molasses, Rum, Cotton, and Ginger, of the Produce or Manufacture of the French King's Colonies imported into this Island.

No. 169.

For Duties on Foreign Produce, see, with this, Acts of 17th Dec. 1697, (No. 102;) 21st March, 1767, (No. 293;) 9th May, 1743, (No. 196.)

WHEREAS there are daily imported into this Island, great Quantities of Sugar, Molasses, Rum, Cotton, and Ginger, of the Produce and Manufacture of the *French King's Colonies in America*, which are not only imposed upon the Officers of Your Majesty's Customs here, for the Produce of this Island, and by that Means shipped as such to *Great Britain*, whereby Your Majesty is defrauded of the extraordinary Duty payable for the same there, but at other Times are avowedly and barefacedly exported from this Island as the Product of the *French King's Colonies*, and that Duty free, to other Your Majesty's Colonies in *America*, whereby likewise Your Majesty is defrauded of the Duty commonly called *The Enumerated Duties*, imposed upon several of the aforesaid Commodities of the Produce of Your Majesty's Colonies, by a Statute made in the twenty-fifth Year of the Reign of Your Majesty's Royal Predecessor King *Charles the Second*; and by Reason also thereof the Product and Manufacture of this Island are extreamly lessened in Value, the Inhabitants stand upon a worse footing than the *French*, and are disencouraged in, and deserting their Settlements daily in great Numbers:

II. We therefore Your Majesty's most loyal and obedient Subjects, the Governor in Chief, in and over all Your Majesty's *Leeward Caribbee Islands in America*, the Council and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Date hereof, all Sugar, Molasses, Rum, Cotton, and Ginger, of the Produce or Manufacture of any of the *French King's Colonies in America*, or that shall hereafter be in the Possession of the *French King*, His Heirs and Successor, or their Subjects, which shall be imported into this Island, shall pay the Duties following (that is to say) For all Loaf or Refined Sugar, Nine-pence lawful Money of this Island *per Pound*;

ACT.
Sugar, &c.
imported from
French Colo-
nies to pay as
in Clause.

all

all Lump or Powdered Sugar, Four-pence Halfpenny like Money *per* Pound; all strained or Muscovado Sugar, the Sum of five Shillings like Money *per* Hundred Weight Gross; all Molasses, the Sum of Three-pence like Money *per* Gallon; all Rum the Sum of Six-pence like Money *per* Gallon; all Cotton, the Sum of Six-pence like Money *per* Pound; and all Ginger, the Sum of five Shillings like Money *per* Hundred Weight Gross.

Articles in preceding Clause re-exported to His Majesty's Colonies, liable to *Enumerated Duty* as Produce of the Island.

Vessels to give like Security, and liable to same Forfeitures.

Importation-Duties to be paid within two Days, in Money or Produce, to Collector of Customs.

Entry of *French Colonial Produce*, to be made in 24 Hours after Arrival of Vessel, and before Landing the Goods, on Penalty of forfeiting Vessel and Goods.

Ship, &c. receiving Goods not entered, to be forfeited.

Uses of Forfeiture.

Condemnation in Court of Record, or Admiralty.

III. And in case the same or any of them shall be exported from this Island, to any of Your Majesty's Colonies in *America*, whereby (if the same were Commodities of this Island) the same would be liable to pay the said Duty, called *The Enumerated Duty*, then the said Commodities, so exported, shall pay the said Duties; and the Vessels exporting the same, shall give the same Sureties, and be subject to the same Forfeitures (if seized in this Island) as Vessels exporting the Commodities of the Produce of this Island are subject to by the Statutes of *Great Britain*.

IV. All which said Duties on Importation, shall be paid within two Days after Importation, either in Money, or the Commodities themselves at Money Price, and shall be paid into the Hands of the Collector of His Majesty's Customs for the Time being, for the Use of His Majesty, His Heirs and Successors.

V. And be it further enacted by the Authority aforesaid, That due Entries of such Commodities, charged with the Duties aforesaid, shall be made as of the Produce of the *French King's Colonies*, within twenty-four Hours after the Arrival of the Vessel importing the same, and before Landing the same, or taking the same out of the Vessel so importing the same, under the Penalty of forfeiting the same, together with the Ship or Vessel importing the same, and all her Tackle, Furniture, and Ammunition, in case of Non-entry, or fraudulent colourable Entering the same as the Produce of any other Your Majesty's Colonies; and also any Ship, Vessel, or Boat, which shall receive or take on Board any the Commodities aforesaid, not duly entered according to the Tenor and Meaning of this Act, shall be liable to the same Penalty as the Ship or Vessel importing the same; the one Third to the Use of His Majesty, His Heirs and Successors, one Third to the Governor in Chief of His Majesty's *Leeward Caribbee Islands in America*, and the Third remaining to the Informer suing for the same, all Charges of Condemnation first deducted; and such Condemnation may be in any Court of Record of this Island, or in the High Court of Admiralty of the same.

VI.

7th GEO. I.

No. 169.

A. D. 1721.

VI. And be it, and it is further enacted by the Authority aforesaid, That *Coming to an Anchor at any Bay, Creek, Port, or Anchoring-place, in or about this Island, by any Vessel having on Board any of the Commodities aforesaid, subject to the Duty hereby laid on Importation, or Delivering any of the same Commodities, from any Ship or Vessel, being in any Bay, Creek, Port, or Anchoring-place, in or about this Island, shall be deemed an Importation, by the Ship or Vessel so coming to an Anchor, or delivering out of her any the last mentioned Commodities; but in case the Commodities so last mentioned to be delivered, shall be bona fide entered in this Island by the Ship or Vessel receiving the same, within the Time hereby limited for Entry on Importation, to be computed from the Time of their being so delivered and received as last mentioned, then the same shall be an Importation only in the Ship so entering the same; and where any Doubt shall arise, whether the said Commodities, or any of them that shall be seized and proceeded against, be of the Produce of Your Majesty's Colonies, or of the French King's, the Onus probandi shall lie on the Owner or Claimant, and the Claimant shall be reputed the Owner.*

Circumstances in Clause to constitute Importation.

Onus probandi that Commodities seized are not French Colonial Produce, to lie on Owner.

Claimant to be reputed Owner.

VII. And be it also further enacted by the Authority aforesaid, That such Persons as have Power to bring in, seize, or inform against Vessels for Breach of any of the Statutes of *Great Britain*, commonly known by the Names of *The Acts of Trade*, and relating to these Colonies, shall have Power to bring in, seize, and inform against Vessels importing, and Goods imported, against this Act, and no other Persons whatsoever. And for the better enforcing the Execution of this present Act:

Description of Persons authorized to make Seizures under Act.

VIII. Be it enacted by the Authority aforesaid, That all the Officers of His Majesty's Customs within this Island now being, shall, within ten Days after the Date hereof, and all those that shall hereafter be made, shall, within the same Time, after entering upon their Offices, take the following Oath before the Commander in Chief, or, in his Absence, before the Lieutenant Governor, or President of this Island for the Time being; viz.

Officers of Customs to take

I A. B. do swear, That I will, according to the best of my Power, put in Execution one Act of this Island Antigua, intituled, An Act to impose a Duty on Sugar, Molasses, Rum, Cotton, and Ginger, of the Produce or Manufacture of the French King's Colonies, imported into this Island, without Favour or Affection.

OATH.

7th GEO. I.

Nis. 169, 170.

A. D. 1721.

Officer to take
Charge on
board of
French Colo-
nial Produce;
and to put it,
when landed,
in the King's
Store-house.

Importer to
pay Storing.

Ship's Coming
into Harbour
in Distress not
an Importa-
tion;

such Vessel
obtaining Li-
cence may sell
Commodities
to refit, paying
the Duties.

IX. And the more effectually to prevent Shipping to *Great Britain* Sugars of the Produce or Manufacture of the *French* King's Colonies, as Sugars of the Produce of Your Majesty's Colonies; be it enacted by the Authority aforesaid, That immediately on the Importation of any such Sugars of the Produce or Manufacture of the *French* King's Colonies, the proper Officers of Your Majesty's Customs here, shall take Charge thereof on Board, and, if brought on Shoar, shall put the same in Your Majesty's Warehouse, until the same be exported, for which the Owner or Importer shall pay reasonable Store-house Room.

X. And be it further enacted by the Authority aforesaid, That if any Ship or Vessel in Distress, shall for Preservation come into either of the Harbours of *Saint John's*, *Parham*, *Willoughby Bay*, *Falmouth*, or *Old Road*, the same shall not be deemed an Importation within the Meaning of this Act; but such Vessel shall, upon Application to, and with the Licence of, the Commander in Chief, or Governor of this Island for the Time being, have Liberty to land, sell, and dispose of as much of any the Commodities aforesaid, as will be sufficient for refitting such Ship or Vessel, paying the Duties hereby imposed for the Commodities to be so landed, and sold, or disposed of.

Dated at the Town of *Parham* the twelfth Day of *June*, in the seventh Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord God one thousand seven hundred and twenty-one.

WALTER HAMILTON.

ASHTON WARNER, *Speaker*.

No. 170. *An Act for the Encouragement of Rudhall Russell, Back-maker, in his Projection of Stills, compounded of Wood and Copper, within this Island.*

PRIVATE.

Dated 26th June, 1721.

8th GEO. I.

Nis. 171, 172.

A. D. 1721.

An Act for naturalizing of John Duquesne, Doctor in
Physick. No. 171

PRIVATE.

Dated 11th November, 1721.

An Act for the Preservation of the Body Ponds, and making
them Publick Ponds. No. 172.

INASMUCH as in the Times of extream Drought, when other
Ponds and fresh Waters have been dried up, the aforesaid Ponds,
called *The Body Ponds*, have afforded fresh and wholsom Waters, and
have been the Support of the Inhabitants, the Slaves and Cattle, yet
some Persons of late, regarding more their own private (though trifling)
Profit, than our Publick Good, have cut down the Trees and
Bushes which grew by the Sides of the said Ponds, and kept the
Waters fresh and cool, so that being exposed to the Heat and Exha-
lation of the Sun, the Waters are not only rendered much worse,
but are in great Danger of being dried up, besides the said Ponds
are much choaked with Branches and Lopping of Trees fallen
into the same, through the Carelessness of such as have cleared round
them:

II. For the Preservation therefore of the said Ponds, called *The
Body Ponds*, we Your Majesty's most loyal and obedient Subjects,
the Governor in Chief, in and over all Your Majesty's *Leeward Carib-
bee Islands in America*, and the Council and Assembly of Your Ma-
jesty's Island *Antigua*, humbly pray Your Most Sacred Majesty that
it may be enacted and ordained, and be it, and it is hereby enacted
and ordained by the Authority aforesaid, That the said Ponds, called
The Body Ponds, are and shall be Publick Ponds to all Intents and
Purposes whatsoever, and shall be visited, cleansed, enlarged, and
preserved by the Commissioners and Inhabitants, as other Publick
Ponds are in their respective Precincts and Divisions.

Act.
*Body Ponds to
be Public, un-
der Pond-
Commissi-
oners.*

*See their Num-
ber and Pow-
ers in Act of
28th June,
1702, (No.
129,) S. 3, et
seq. usque ad
18, & S. 7.
of this Act.*

Marshal, under Governor's Precept, to summon Jury to lay out convenient Paths from Highways to Ponds.

One or more Surveyors to assist Jurors. Return to be filed.

Charges borne by the Public.

Part of Fresh Water Gutt described in Clause the Body Ponds.

Owner or Occupier cutting Trees or Underwood within 30 Feet of said Ponds, liable to indictment and Fine.

Stranger so cutting Trees, liable to same Punishment.

III. And be it further enacted by the Authority aforesaid, That as soon as conveniently may be, the Governor in Chief of these Islands, or in his Absence from the Island, the Lieutenant Governor, or President of the Council of this Island, shall issue a Precept under his Hand and private Seal, directed to the Provost Marshal of this Island, or his lawful Deputy, to summon a Jury or Juries, from Time to Time, to lay out convenient Paths leading from the High Roads of this Island to the said Ponds, as may be most convenient for the Inhabitants of this Island, and with as little Detriment as may be to any Person through whose Grounds the same Paths shall run; and the Provost Marshal, or his Deputy, at the Running-out of the said Paths, shall take one or more sworn Surveyors, and shall make a due Return, under the Hands and Seals of the Jurors, of the Paths so run out, which shall be filed both in the Register's and Secretary's Offices of this Island, and the same Paths so run out shall be publick Paths, and all Charges relating to the Running-out of the said Paths, and Filing the same Return, shall be borne by the Publick of this Island.

IV. And be it further enacted by the Authority aforesaid, That all that Part of the Fresh Water Gutt, beginning between Part of the Lands in the Possession of *Main Swete*, Esquire, and the Lands of *Edward Ragg*, in the Divisions of *St. John's* and *Falmouth*, and extending from thence in the Common Channel to the Lands now in the Possession of the Honourable *Edward Warner*, Esquire, *John Sampson*, Esquire, and *John Tomlinson*, Senior, Esquire, where the third or little Pond empties into the Gutt again, shall be esteemed the Body Ponds only.

V. And if any Owner or Occupier of any of the Soil lying on either Side of any of the said Ponds, shall cause, permit, or suffer any Tree or Trees whatsoever (whether Timber Trees or not) or any large Underwood whatsoever, growing or that shall grow within thirty Feet of the Water-Side of the same Ponds, or either of them, either as they now are, or shall hereafter be enlarged, to be cut, fallen, or burnt down, then the Owner or Occupier of the same Lands causing, or willingly or wittingly permitting, the same, shall be indicted and fined before the Justices of the Peace in their Sessions, or Justices of *Oyer* and *Terminer*, and Gaol Delivery within this Island; and if such cutting, falling, or burning down, be without or against the Consent of the Owner or Occupier of such Lands, then the Offender being discovered in three Months by the Owner or Occupier aforesaid, or by his or her Means, or otherwise, and duly prosecuted

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No. 172.

A. D. 1721.

prosecuted with all convenient Speed, shall be indicted and fined, as aforesaid; but in Default of such Discovery or Prosecution, the Owner or Occupier shall be deemed the Offender, and shall be prosecuted and fined, as aforesaid.

If Offender
not prosecuted
by Owner,
&c. Owner,
&c. to be
deemed Of-
fender.

VI. And be it further enacted by the Authority aforesaid, That any Person who shall think himself aggrieved, or suffer any Loss of Ground or Timber, by reason of this Act, either by being hindered in using any Land, or falling any Timber, as being contiguous to the said Ponds, or by having any Lands taken up for Paths, such Persons shall be recompensed out of the Publick Treasury of this Island, such Damage being first ascertained and viewed, by Virtue of any Warrant from any Magistrate directed to two or more Freeholders to appraise the same on Oath, and the Return on Oath of any two such Appraisers made under their Hands pursuant to such Warrant.

Land or Tim-
ber lost, or
rendered use-
less by Act, to
be paid for by
Public;

after Ap-
praisement by
two Freehold-
ers.

VII. And be it further enacted by the Authority aforesaid, That the Commissioners of the Publick Ponds in the Precincts of *St. John's*, shall have Power to enlarge the said Ponds, called *The Body Ponds*, and to plant Trees as they shall see necessary about the same, and also to cut down any Tree or Trees, or Underwood whatsoever, for making convenient Watering-places about the same Ponds, called *The Body Ponds*, or either of them, or for other Necessaries or Conveniencies about the same; any Thing herein before contained to the contrary thereof in any wise notwithstanding.

Commission-
ers for *St.*
John's Pre-
cincts may
enlarge *Body*
Ponds; and
fall Trees to
form Water-
ing-places, &c.

VIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons, in order to catch Fish, or for any other reason, shall poison with, or mix in, any of the aforesaid Waters herein before limited for Publick Ponds, or any Waters running into the same, Dogwood, Bark, Lime, or any hurtful Matter, by which Means the said Ponds shall be rendered thick or nasty, the Person or Persons so offending shall and may be indicted and fined for the same by the Justices of Peace of this Island in their Sessions, or by Justices of *Oyer* and *Terminer*, and Gaol Delivery, in any Sum not exceeding two hundred Pounds lawful Money of *Antigua*.

Persons poi-
soning said
Waters liable,
on Indict-
ment, to Fine
not exceeding
200*l*.

Dated at the Town of *St. John's* the twentieth Day of *February*, in the eighth Year of the Reign of our Sovereign Lord *GEORGE*, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender
of

8th GEO. I.

Nis. 172—175.

A. D. 1721.

of the Faith, &c. and in the Year of our Lord God one thousand seven hundred and twenty-one.

JOHN HART.

ASHTON WARNER, *Speaker.*

No. 173. *An Act for establishing a Court of King's Bench, Common Pleas, and Errors, for the better regulating and settling due Methods for the Administration of Justice, and limiting a Time for issuing Execution out of the Court of Chancery in this Island.*

EXPIRED.
See Act of 21st
Jan. 1791,
(No. 475.)

Dated 20th February, 1721.

No. 174. *An Act to repeal a certain Act of this Island concerning Negroes.*

OBSOLETE.
Mem. The
Act repealed
is No. 144.

Dated 1st February, 1722.

No. 175. *An Act against deceitful, excessive, and disorderly Gaming.*

PREAMBLE.

WHEREAS all lawful Games and Exercises should not be otherwise used than as innocent and moderate Recreations, and not as constant Trades and Callings to gain a Living, or make unlawful Advantage thereby: And whereas by a late immoderate Use of them in this Island, many Mischiefs and Inconveniencies have arisen, and do daily happen to the maintaining and encouraging of sundry idle, loose, and disorderly Persons in their dishonest, lewd, and dissolute Course of Life, and to the circumventing, deceiving, cousening, and debauching of many of the younger Sort (particularly young Traders intrusted with Cargoes and Effects belonging to others) to the Loss of their precious Time, and the utter Ruin of their Estates and Fortunes, and withdrawing them from honest and laudable Employments and Exercises:

II.

10th GEO. I.

No. 175.

A. D. 1723.

II. We Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island in *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That if any Person or Persons whatsoever within this Island, or the Islands thereto adjacent and belonging, shall, after the Day of the Date of this Act, at any Time or Times, by any Fraud, Shift, Cousenage, Circumvention, Deceit, or unlawful Device or ill Practice whatsoever, in playing at or with Cards, Dice, Billiards, Tables, Tennis, Bowls, Skittles, Shovel-board, Nine-pins, or in or by Cock Fighting, Horse Races, Dog Matches, or Foot Races, or other Pastime, Game or Games whatsoever, or in or by bearing a Share or Part in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of such as do or shall play, act, ride, or run, as aforesaid, win, obtain, or acquire to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, that then every Person or Persons so offending, as aforesaid, shall forfeit and lose treble the Sum or Value of Money, or other Thing or Things so won, gained, obtained, or acquired; the one Moiety thereof to our Sovereign Lord the King, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, and to be employed towards the building and repairing the Forts and Fortifications of the same, and the other Moiety thereof unto the Person or Persons grieved, or who shall lose the Money, or other Thing or Things so gained, so as every such Loser, or Person grieved in that Behalf, do or shall prosecute for the same within six Kalendar Months next after such Play; and, in Default of such Prosecution, the same other Moiety, to such Person or Persons as shall or will prosecute for the same within one Year next after the said six Months expired. And for the better preventing all excessive and immoderate Gaming and Playing for the Time to come:

Act.
Player, win-
ning by
Fraud;

or Better,
winning by
Collusion;

to forfeit
treble Value.

Forfeiture to
go, Half to
Treasury to-
wards Fortifi-
cations; and
Half to Loser:
If Loser pro-
secute in six
Kal. Months:
otherwise to
any Prosecu-
tor in a Year
after six
Months ex-
pired.

III. Be it further enacted and ordained by the Authority aforesaid, That if any Person or Persons whatsoever within this Island, or the Islands thereto adjacent and belonging, shall or do, after the Date of this Act, play at any of the said Games, or any other Pastime, Game, or Games whatsoever, for ready Money, or any other valuable Thing ready down, or shall bet or wager on the Sides or Hands of those that do play, or upon any particular Chance or Occurrence of the Game or Play then going, any ready Money or valuable Thing ready

Winner of
more than 7l.
ready Money,
at one sitting,
or within 24
Hours from
beginning
Play, to for-
feit treble the
Value of whole
Winning.

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Forfeiture to go, Half to Treasury towards Fortifications; and Half to Loser: If Loser prosecute in six Kal. Months: otherwise to any Prosecutor in a Year after six Months expired.

Loser on Credit of more than 7*l.* at one Sitting, or within 24 Hours from beginning Play, not compellable to pay Excess; Securities void.

ready down, and shall win, obtain, or acquire, in ready Monies or other valuable Thing ready down, to above the Value of the Sum of seven Pounds lawful Money of this Island at one Sitting or Playing, or within the Space or Time of twenty-four Hours, from the first Beginning of such Play, that then the Person so winning, obtaining, or acquiring above the said Sum of seven Pounds lawful Money of this Island, shall lose and forfeit treble the Value of all the whole Monies or other valuable Things so won, obtained, or acquired; the one Moiety thereof to our Sovereign Lord the King, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, and to be employed towards the building and repairing the Forts and Fortifications of the same, and the other Moiety thereof to the Party grieved, or who shall lose the Money or other Things so gained, so as every such Loser, or Person grieved in that Behalf, do or shall prosecute for the same within six Kalendar Months next after such Play; and, in Default of such Prosecution, the same other Moiety to such Persons as shall or will prosecute or sue for the same within one Year next after the said six Months expired.

IV. And be it further enacted and ordained, and it is hereby further enacted and ordained by the Authority aforesaid, That if any Person or Persons whatsoever within this Island, or any of the Islands thereto adjacent and belonging, shall, after the Date of this Act, play at any of the said Games, or any other Pastime, Game, or Games whatsoever, or shall bet or wager on the Sides or Hands of such as do play, or upon any particular Chance or Occurrence of the Game or Play then going, and shall lose any Sum or Sums of Money, or any other valuable Thing or Things so played for, exceeding the Sum of seven Pounds lawful Money of *Antigua*, at any one Time or Meeting, or within the Space of twenty-four Hours from the Beginning of such Play, upon Ticket, Credit, or otherwise, and shall not pay down the same at the Time when he or they shall lose the same, the Party and Parties who loseth or shall lose the same Monies or other Things so played, or to be played, betted, or wagered for, above the said Sum of seven Pounds lawful Money of *Antigua*, shall not in that case be bound or compelled to pay or make good the same, but the Contract and Contracts for the same, and for every Part thereof, and all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements, and other Acts, Deeds, and Securities whatsoever, which shall be obtained, made, given, acknowledged, or entered into, for Security or Satisfaction of or for the

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No. 175.

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the same, or any Part thereof, shall be utterly void, and of none Effect; and that the Person or Persons, so winning the said Monies or other Things, shall forfeit and lose treble the Value of all such Sum and Sums of Money, or other valuable Thing or Things, which he shall so win, gain, obtain, or acquire, above the said Sum of seven Pounds lawful Money of the said Island of *Antigua*; the one Moiety thereof to our Sovereign Lord the King, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, to be employed towards the building and repairing the Forts and Fortifications of the same, and the other Moiety thereof to the Person or Persons grieved or losing the same, so as every such Loser and Person grieved in that Behalf do prosecute and sue for the same, within six Kalendar Months next after such Play; and, in Default of such Prosecution, the same other Moiety to such Persons as shall or will prosecute for the same within one Year next after the said six Months expired.

Winner on Credit of more than 7l. to forfeit treble the Value of Excess.

Forfeitures to go, Half to Treasury towards Fortifications; and Half to Loser; if Loser prosecute in six Months.

otherwise to any Prosecutor in a Year after six Months expired.

Forfeitures recoverable by Action or Information.

Prosecutor to recover treble Costs.

Persons sued on Security for more than 7l. lost at Play may give Act in Evidence;

and plead General Issue.

Plaintiff nonsuited, &c. to pay treble Costs.

V. And be it, and it is hereby also further enacted by the Authority aforesaid, That all and every Forfeitures given by this Act, shall and may be sued for or prosecuted, and recovered by Action, Suit, Bill, Complaint, or Information in the Courts of King's Bench and Common Pleas, or Court of Exchequer, held for this Island, or before Justices of *Oyer and Terminer*, or Justices of Peace in their Sessions in this Island, and the Informer or Prosecutor shall in every Action, Suit, Bill, Complaint, or Information, recover treble Costs of Suit against the Person offending and forfeiting in any the Cases aforesaid; and also that in any Action, Prosecution, or Suit whatsoever, to be brought against any Person or Persons whatsoever, upon any Judgment, Statute, Recognizance, Mortgage, Conveyance, Assurance, Bond, Bill, Specialty, Promise, Covenant, Agreement, or other Act, or Deed, or Security whatsoever, to be obtained, made, given, acknowledged, or entered into, for Security or Satisfaction of or for any Monies or other valuable Things, to be lost on Credit, Ticket, or otherwise, as aforesaid, exceeding the said Sum of seven Pounds lawful Money of *Antigua*, contrary to the Meaning of this Act, the Person or Persons, so prosecuted or sued, shall and may plead the General Issue, and give this Act in Evidence, and the same shall be allowed in all Courts whatsoever within this Island, and Judges, Justices, and Juries are to take Notice thereof accordingly; and if a Verdict go against the Plaintiff or Plaintiffs (not being Executors or Administrators) or he or they be nonsuit, or discontinue the Action, Suit, or Prosecution, he or they shall pay

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treble

10th GEO. I.

Nis. 175, 176.

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Acta General
Act.

treble Costs ; and this Act shall be deemed and taken, and is hereby declared to be a General Act.

Dated at the Town of *St. John's* this second Day of *December*, in the Year of our Lord God one thousand seven hundred and twenty-three, and in the tenth Year of the Reign of our Sovereign Lord *GEORGE*, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

Past the Asssembly the 2d Day
of December, 1723.

{ Past the Council the 2d Day
{ of December, 1723.

HENRY WARNER,
Clerk of the Assembly.

WAVEL SMITH,
Secretary, &c.

ASHTON WARNER, *Speaker.*

JOHN HART.

No. 176. *An Act for attainting several Slaves now run away from their Master's Service, and for the better Government of Slaves.*

EXPLAINED
by Acts of 9th
Aug. 1725,
(No. 183.)
and 31st Aug.
1730, (No.
186.)

AMENDED by
Act of 30th
Nov. 1778,
(No. 390.)
REPEALED
IN PART by
Act of 28th
Dec. 1797,
(No. 522.)

See also No.
130, No. 527,
and Act of
the Leeward
Islands, No.
36.

WHEREAS it has been found by Experience that the Laws now in Force for the better Government of Negroes and Slaves, and for punishing such as do withdraw from the Service of their Masters, have proved too mild and gentle to curb and restrain them, and that they have so abused the Lenity of the Laws, that great Numbers of them have deserted the Service of their Masters, and fled to the Mountains and Rocky Parts of this Island, and have armed and assembled themselves in Bands to oppose their Masters, and any that come in pursuit of them; and, in the Night-time, when they cannot be easily discovered or taken, do frequently commit divers Thefts and Robberies in the Plantations of this Island, to the insupportable Wrong and Damage of many of His Majesty's good Subjects: And whereas they are daily inticing other Negroes to resort to and join with them, and it is much to be apprehended their Numbers will greatly increase, without the Aid of some Law to give extraordinary Encouragement for the taking their Chiefs or Ring-leaders, and inflicting condign Punishment upon such as shall be taken :

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taken: And whereas it is notorious that *Sharper*, a Negro Man, belonging to the Honourable Colonel *Valentine Morris*, and a Negro Man, called *Africa*, belonging to Mr. *Henry Lyons*, and one Negro Man, called *Papa Will*, belonging to Colonel *John Gunthorpe*, and also one other Negro Man, called *Frank*, belonging to Mr. *Francis Carlile*, have for a long Time past headed several armed fugitive Slaves, and do all that in them lies to intice other Negroes to desert their Master's Service, and join with them, and have themselves committed, and been the Occasion of committing, many flagrant Thefts and Felonies:

II. We therefore Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted by the Authority aforesaid, *That the said Sharper, belonging to the Honourable Colonel Valentine Morris, and the said Africa, belonging to Mr. Henry Lyons, and the said Negro Man, called Papa Will, belonging to Colonel John Gunthorpe, and also the said Negro Man, called Frank, belonging to Mr. Francis Carlile, and every of them, be convicted and attainted of Felony, and they and every of them are hereby convicted and attainted of Felony, and shall suffer Pains of Death, by Virtue of a Warrant from any two Justices of the Peace of this Island, to the Provost Marshal or his Deputy, provided the said Sharper, belonging to the Honourable Colonel Valentine Morris, and the said Negro Man, belonging to Mr. Henry Lyons, called Africa, and the said Negro Man, called Papa Will, belonging to Colonel John Gunthorpe, and also the said Negro Man, called Frank, belonging to Mr. Francis Carlile, do not return to their respective Duties within thirty Days after the Publication of this Act.*

Particular
Slaves attainted
of Felony.
This Clause,
having been
framed for a
temporary Ef-
fect, is obso-
lete.

III. And for the encouraging the speedy taking the said *Sharper*, belonging to the Honourable Colonel *Valentine Morris*, and the said Negro Man, belonging to Mr. *Henry Lyons*, called *Africa*, and the said Negro Man, called *Papa Will*, belonging to Colonel *John Gunthorpe*, and the said Negro Man, called *Frank*, belonging to Mr. *Francis Carlile*, it is hereby further enacted by the Authority aforesaid, *That if any Person or Persons, Free or Slaves, shall apprehend and take the said Sharper, belonging to the Honourable Colonel Valentine Morris, and the said Negro Man, belonging to Mr. Henry Lyons, called Africa, and the said Negro Man, called Papa Will, belonging to Colonel John Gunthorpe, and the said Negro Man, called Frank, belonging to Mr. Francis Carlile, or*

Rewards for
taking or kill-
ing particular
Slaves.

This Clause,
having been
framed for a
temporary Ef-
fect, is obso-
lete.

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any of them, after the Expiration of the said thirty Days, and shall deliver their, or either of their Bodies, alive into the Custody of the Provost Marshal of this Island, or his lawful Deputy, or Gaol Keeper, or shall bring sufficient Proof that the said Person or Persons have, in pursuit of the same Negroes, or either of them, killed them, or either of them, such Person or Persons shall, for each of the said Negroes hereby attainted, and so taken or killed, receive, from the Treasurer of this Island for the Time being, twenty Pounds Current Money of this Island; and the Treasurer for the Time being, and his lawful Deputy, are hereby impowered and required to pay the same, upon a Certificate thereof from the said Provost Marshal, or his lawful Deputy, attested by any one Justice of the Peace for this Island, and an Order thereupon, signed by the Chief Commander being upon this Island.

Slaves having been a Year on Island, absconding from Master three Months together, or six Months in two Years, declared Felons.

IV. And be it enacted by the Authority aforesaid, That if any Slave who hath been upon, or shall hereafter be upon this Island for the Space of one Year, shall absent or withdraw, or, being now runaway, absent, or withdrawn from his or her Master's, Owner's, or Renter's Service, shall continue so absent and withdrawn for the Space of three Months from the Day of the Publication of this Act, or from the Time such Slave shall first absent, withdraw, or run away hereafter (the Months to be computed at twenty-eight Days each) or if any Slave or Slaves having been, or that shall be on this Island for the Space of one Year, shall hereafter withdraw, absent, or run away from his Master's Service, at several Times within the Space of two Years, amounting in all to six Months, to be computed as aforesaid, all and every such Slave or Slaves shall be, and are hereby adjudged and declared to be guilty of Felony, and shall suffer Death as Felons.

Slave absent at passing of Act conditionally pardoned. This Clause, having been framed for a temporary Effect, is obsolete.

V. *Provided always nevertheless, That if any Slave or Slaves now absent, withdrawn, or runaway (except only those hereby expressly attainted and convicted of Felony by Name, and not returning within thirty Days from the Date hereof; and also except Jack a Negro Man, belonging to Giles Blizzard an Infant, and Mimba a Negro Woman, belonging to Mary Blizzard Widow, for the Crime of attempting to poison the same Infant) shall return and surrender him, her, or themselves to his, her, or their Master or Owner within three Months next ensuing the Day of the Publication of this Act, such Slave, so returning and surrendering, is and are hereby pardoned and acquitted of and from all Crime and Crimes (Murder only excepted) by him or them heretofore committed, or which shall be committed before Notice of this Act by him, her, or them had.*

VI.

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VI. And whereas Negroes sometimes upon slight or no Occasions run away and absent themselves in Gangs from the Service of their Masters, Mistresses, or Renters, to the ruining and impoverishing of them, and to the Terror and Danger of His Majesty's good Subjects, Inhabitants of this Island; be it therefore enacted, and it is hereby enacted by the Authority aforesaid, That if any Negroes, being of the Age of sixteen Years, and upwards, shall hereafter absent or run away in any Number or Gang, amounting to ten in Number, or upwards, from any one Plantation to which such Slaves shall belong, and shall continue runaway or absent from their Service, as aforesaid, for ten Days or more, then one of the said Negroes, such as the [Justices] shall think the greatest Offender, shall suffer Death as a Felon.

Slaves aged sixteen and upwards, absent ten in a Gang for ten Days, one to suffer Death.

Jury [by No. 527, S. 3. 4. 5. 6.]

VII. And whereas Complaints are frequently heard, that the Magistrates of this Island refuse or neglect, on Application made, to sit, hear, and determine Cases of Negroes, charged with Running-away for such Space of Time as amounts to a Felony, or with any other Felonies, by which Means the Laws are rendered ineffectual, and Negroes and Slaves grow more insolent and ungovernable; be it therefore hereby enacted by the Authority aforesaid, That if any Justice of the Peace in this Island shall hereafter refuse or neglect, upon Application to him made, *immediately to take and use proper Measures for the TRIAL of any Slave or Slaves, and EFFECTUALLY TO FINISH SUCH TRIAL in ten Days after required*, for any Felony committed by or charged upon any Slave whatsoever, either by running or absenting from his Master's Service, or otherwise, or of any other Crime of lower Nature charged on any Negro or Slave whatsoever, such Justice shall forfeit twenty Pounds lawful Money of this Island, to be recovered by Action, Bill, Complaint, or Information in any of the Courts of Record within this Island, or by Indictment or Information before Justices of Oyer and Terminer, and Gaol Delivery, or Justices of Peace at their Sessions; one Moiety to the Prosecutor or Informer, and the other Moiety to the Use of His Majesty, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, towards carrying on the Fortifications thereof; and the Party prosecuting shall recover his full Cost of Suit; and in such Action, Bill, Complaint, or Information, no Essoign, Protection, or Wager of Law, shall be allowed.

By No. 527, S. 1. Justice is, in the first instance, merely to commit Slave to Gaol, for Trial by Jury.

VIII. And be it enacted by the Authority aforesaid, That if any Person or Persons, either Free or Slave, shall kill in pursuit, or take and apprehend alive (provided such killing or taking be not within

Reward of 3l. for killing in pursuit Slave absconded three Months, after

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after a Year
on Island;

6*l*. for taking
such Slave
alive;
to be paid by
Treasurer, on
Certificate of
Justice and
Order of Chief
Resident
Commander.

Owner of
Slave execut-
ed or killed in
pursuit, to re-
ceive Slave's
Value from
Treasury, set-
tled by Oath
of two
Whites;

By No. 183,
S. 3. where
one only, in ten
or more, suf-
fers, full Value
to be paid:
otherwise Ap-
praisement not
to exceed 35*l*.
for Man, 30*l*.
for Woman
Slave.

Slave conceal-
ing Runaway.
to be whipped.

Free Person
entertaining
Runaway to
forfeit

within thirty Days after the Publication of this Act) any Slave whatsoever, who has been absent from the Service of his or her Master, Mistress, or Renter three Months, and upwards (after having been one Year on the Island) such Person, so taking and killing such Negro in Pursuit, shall receive three Pounds lawful Money of this Island for every Slave so killed, and six Pounds for every Negro so taken alive, so as the said Negro so taken alive be convicted of the Crime of Running-away; and the Treasurer of this Island, and his lawful Deputy, are hereby authorized, required, and impowered to pay the last mentioned Rewards, upon due Proof on Oath made before a Magistrate of this Island of such Slave's being killed, or upon the Conviction of the said Slave, and a Certificate of such Proof made of killing, or of such Conviction under the Hand of any Justice of Peace of this Island, before whom such Proof of killing was made, or the Trial of the Slave had, and an Order thereon signed by the Chief Commander then resident on the Island.

IX. And be it enacted by the Authority aforesaid, That every Person who shall have any Slave guilty of Running-away punishable by Death within this Act, killed in pursuit, or that shall be taken, convicted, and condemned to Death for running away, the Person or Persons owning and intitled to such Slave, shall receive, out of the Publick Treasury of this Island, the full Value of the Slave so killed, to be settled by the Oaths of two Free White Persons that know the Slave (if killed) to be sworn before some Justice of the Peace of this Island, and such Oath and Value to be certified by the Justice of Peace, before whom taken, under his Hand and Seal; and if the Slave convicted, *then the Value to be settled as usual in this Island, where Slaves are convicted of any other Felony.*

X. And be it enacted by the Authority aforesaid, That after any Negro or other Slave is runaway from his or her Master's, Mistress's, Owner's, or Renter's Service, every other Negro knowing of such Running-away, and shall entertain, harbour, receive, or conceal, or any ways aid, assist, comfort, afford, or give any Sustenance to such Slave so runaway, shall, upon Conviction thereof before one Justice of the Peace, according to the Laws of this Island, for any such Offence be publickly whipped upon the bare Back, with any Number of Stripes, at the Discretion of the Justice; and if any Free Person or Persons, knowing any Slave to be runaway from the Service of his

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his or her Master, Mistress, or Renter, shall entertain, harbour, receive, or conceal, or any ways aid, assist, comfort; or afford, or give Sustenance to any such Slave, such Person shall for the first Offence forfeit ten Pounds Current Money of this Island, and for the second Offence twenty Pounds like Money, and for the third Offence fifty Pounds like Money, and shall be liable besides to be prosecuted, and pay to the Owner of such Slave, all Forfeitures and Penalties laid by an Act of this Island, duly passed and confirmed, intituled, *An Act for the better Government of Slaves and Free Negroes*, dated on or about the twenty-eighth Day of June, one thousand seven hundred and two; and if such Free Person or Persons cannot immediately pay down the Fines hereby imposed for entertaining runaway Slaves, he, she, or they shall be imprisoned in the Common Gaol of this Island, in lieu of the Fine, for the first Offence two Months, for the second Offence four Months, and for the third Offence, six Months, unless the Person or Persons offending shall redeem him, her, or themselves sooner, by paying the Fine, and all Costs and Fees due.

forfeit 10%.
first Offence;
20%. second;
50%. third,

and liable to
Prosecution
under Act,
No. 130.

Free Person
unable to pay
Fine, to be im-
prisoned for
first Offence
two Months;
second, four;
third, six.

See Sect. 24.
25. 26. 27.

XI. And be it, and it is hereby enacted by the Authority aforesaid, That all Slaves triable by Virtue of this Act, *shall be tried, adjudged, punished, and executed in like Manner as Slaves for other Crimes are tried and adjudged by the Laws and Usages of this Island now in Force*, and, where condemned to Death, shall be appraised in like Manner; and if the two Justices before whom Negroes are tried cannot agree in their Judgment, then they may and shall immediately call a third Justice of the Peace to their Assistance, and the Case shall be determined by the Agreement of any two of them; and in all Trials of Slaves the Justice or Justices shall and may hear the Evidence of any other Slave, and shall give such Credit thereto, as the Justice or Justices shall think it in Conscience deserves.

By No. 527,
Slaves charged
with criminal
Offences to be
tried by Jury,
and not exe-
cuted but un-
der Compli-
ance with
Forms pre-
scribed.

XII. And for the more ready apprehending any Slaves runaway; be it hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Master, Owner, or Renter of any Slave, or any other Person, by his Directions, and in his Aid, to enter any Negro House belonging to any other Persons, and upon Refusal of opening, to break the Doors of any Negro-House by Night or Day, to search for any such runaway Slave, without any Warrant from any Magistrate, having first immediately before given Notice thereof to the Master, Mistress, or Renter of the Plantation, if any such thereon living, and then at Home, or else to the Overseer or Manager, if at Home, or else to any White Person being there,

On Notice,
Owner, &c.
may break
Doors of other
Owner's Ne-
gro-House, to
search for
Runaway,
without War-
rant.

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Persons hin-
dering Search
or Notice, to
forfeit: 10*l*.
max. 5*l*. min.

Persons
searching
without giving
Notice, or
maltreating
Slaves, to for-
feit like Pe-
nalty, and
liable to Ac-
tion.

Owner not
prosecuting in
three Months
Slave guilty
of Felony, &c.
to lose Slave's
Value:

to be paid, in-
stead, to In-
former prose-
cuting in thir-
ty Days after
three Months
expired.

Value to be
settled as by
No. 186, S. 4.

there, and belonging to the Plantation where Search is made ; and if any Person or Persons whatsoever, either Master, Mistress, Owner, Renter, or Manager of any Plantation, shall hinder, oppose, threaten, or deter any Person giving Notice, from making Search in their or any of their Negro Houses for Runaways, such Person shall pay and forfeit each for every such Offence a Fine not exceeding ten Pounds, nor under five Pounds, Current Money of this Island ; and if any Person or Persons shall make, or aid, or assist in making any such Search, without first giving Notice, where any White Person is on the Plantation where such Search shall be made, according to the Tenor and Directions of this Act, or shall under Colour of such Search beat, abuse, wound, or hurt any Slave or Slaves, without just Cause, the Offender or Offenders shall forfeit, each, any Sum not exceeding ten Pounds, nor under five Pounds, besides being liable to the Action of the Party injured for Damages.

XIII. And be it, and it is hereby enacted by the Authority aforesaid, That if any Slave shall kill or murder any Person, white or black, or commit any Felony (Running-away excepted) made known to the Master, Mistress, Owner, or Renter of such Slave, and such Master, Mistress, Owner, or Renter of such Slave, being on this Island, shall conceal or neglect to prosecute such Slave for the Space of three Months next after the Crime made known, as aforesaid, and the Slave being in his Master's, Mistress's, Owner's, or Renter's Service, Custody, or Power, after the last mentioned Crimes committed, that then, and in such Case, if any other Person shall prosecute such Slave, and the Slave be thereof lawfully convicted, the Owner or Renter of such Slave shall be, and is, and are hereby debarred from having or receiving, from the Publick Treasury of this Island, any Sum or Sums of Money, or other Consideration, for the Slave so convicted, and the Price which should be paid for such Negro by the Publick, shall be paid to the Informer out of the Publick Treasury ; any former Law or any Thing herein contained to the contrary notwithstanding: Provided such Information and Prosecution be given and begun within thirty Days after the Expiration of the said three Months.

XIV. And for settling the Value of such Slave so not prosecuted by the Master, Owner, or Renter, and convicted by the Prosecution of any other Person, such Slave shall be appraised before Execution done on him or her, as is usual where Slaves are condemned to Death.

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XV. And be it enacted by the Authority aforesaid, That whatsoever Master, Mistress, Owner, or Renter of any Plantation in this Island, being thereupon resident, and not being abroad from his or her Plantation, and where none such resident on the Plantation, then if any Manager of any such Plantation, and having the Care thereof, and thereon resident, and being at Home, or if any Overseer being at Home, and the Master, Mistress, Owner, or Renter happens to be absent from Home, shall suffer any Slaves to beat any Drum or Drums, or empty Casks, or great Goards, or to blow Horns, Shells, or loud Instruments for the Diversion or Entertainment of Slaves in his, her, or their Plantation, he, she, or they shall forfeit twenty Pounds current Money of this Island, for every such Offence, unless they suppress the same in one Hour after the same begins: Provided, That Information thereof be given upon Oath, to one of His Majesty's Justices of the Peace for this Island, within one Week after the Offence committed.

Master, Overseer, &c. suffering Beating of Drum, &c. by Slaves, and not suppressing it in an Hour, to forfeit 20^l.

provided Information on Oath, be given in a Week.

XVI. And be it further enacted by the Authority aforesaid, That if any Justice of the Peace for this Island, or any Colonel, Lieutenant Colonel, Major, or Captain of the Militia, shall receive Information of the Residence or Hiding-place of any run-away or fugitive Slaves, it shall be lawful for such Justice of the Peace, Colonel, Lieutenant Colonel, Major, or Captain of the Militia, to raise and arm any Number of Men not exceeding twenty, to apprehend alive, or kill such run-away or fugitive Slaves; and if any Person being in Health, and able to travel, and being summoned or warned to go in quest of such Run-away or Fugitive Slaves, shall neglect or refuse to attend accordingly, and to go as directed by the Justice of Peace or Officer of the Militia, issuing or ordering such Summons, or to send in his Stead an able and well armed White Man, such Person so neglecting or refusing to attend himself, and not sending an able and well armed White Man in his Room, shall forfeit thirty Shillings current Money of this Island.

Justice, Colonel, &c. empowered to arm Men not exceeding twenty, for taking Run-aways.

Person in Health, summoned, not going or sending Substitute to forfeit 30s.

XVII. And be it also enacted by the Authority aforesaid, That whoever shall apprehend, or take a run-away Slave, who hath been absent from his or her Master's, Mistress's, Owner's, or Renter's Service two Months, or more, shall receive as a Reward for apprehending and taking such Slave twenty-eight Shillings, to be paid out of the Publick Treasury of this Island, on Proof made of such Running-away and Taking, by the Oath of some White Person before a Justice of Peace, and the Justice's Certificate to the Treas-

Reward of 28s. for taking Slave absent two Months;

to be paid by Treasurer, on Certificate of Justice, without further Order.

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surer shall be sufficient for such Payment, without further Order to the Treasurer.

Slave endan-
gering White's
Life, burning
House, &c. a
Felon, and to
suffer Death.

On Evidence
of other Slave
of such Crime
intended, Jus-
tice to com-
mit accused
Slave:

by No. 527,
§. 2. seq. take
Measures to
try Slave by
Jury.

If Slave con-
demned,
Owner to be
paid appraised
Value:

by No. 186,
§. 4. not to ex-
ceed 35*l.* for
Man Slave;
30*l.* Woman.

Negro inform-
ing to have 3*l.*

If Charge fri-
volous, Accu-
ser to be
whipped.

Dealing with
Slaves not li-
censed by
Owner, a Mis-
demeanor:

(Exception:)

XVIII. And be it, and it is hereby further enacted by the Authority aforesaid, That if any Slave or Slaves shall be guilty of any enormous Crime, whereby the Life of any White Person shall be endangered, or attempted, or any Dwelling-house or Out-house belonging to any White Person shall be burnt, or attempted to be burnt, that then, and in such Case such Slave or Slaves, and all his and their Accessories, Concealers, or Abettors (being Slaves) shall be adjudged, and are hereby made and declared Felons, and shall suffer Death therefore; and if any other Slave shall know of any such Crime as last mentioned, intended to be done, and shall discover and give Notice thereof to any Justice of the Peace of this Island, such Justice shall cause the Slave or Slaves accused to be apprehended; and if he find Grounds of just Suspicion, then he shall commit the Slave or Slaves accused to the Common Gaol, and give Notice thereof immediately to the next Justice of Peace, *who shall take all proper Measures for bringing the Slaves accused to Trial*, as in case of other Felonies; and if any of the accused shall be found guilty, and condemned to Death, the Price shall be paid out of the Publick Treasury to the Owner, *to be settled by Appraisement*, as in other Cases of Slaves condemned to Death for Felonies; and in such Case the Negro informing shall receive three Pounds Current Money of this Island, out of the Publick Treasury, upon producing a Certificate of the Accusation and Condemnation from any one of the Justices that sat on the Trial, which shall be sufficient without further Warrant to the Treasurer; but if on the Trial the Accusation be found frivolous or groundless, the Accuser shall have and receive a Punishment by whipping, not exceeding one hundred and fifty Lashes on the bare Back.

XIX. And be it, and it is hereby enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall hereafter buy, barter, or truck for, or receive by any Means of or from any Slave or Slaves any Sugar, Cotton, Rum, Molasses, Ginger, or other Goods or Chattels (except only Logs of Wood, Fire-wood, Crabs, Fresh-fish, Dunghill Fowls, Kids, Hogs, and Ground Provisions of the Produce of this Island) without Leave given to such Slave or Slaves by his or their Master, Mistress, Owner, or Renter, or by the Manager having the Care of the Plantation to which the Slaves belong, to sell the same, then such Person or Persons shall be guilty of

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of a Misdemeanor, and liable to be prosecuted therefore by Indictment or Information before Justices of Peace in their Sessions, or Justices of *Oyer and Terminer*, and Gaol Delivery, and may be fined for the first Offence, not exceeding thirty Pounds, nor less than ten Pounds, lawful Money of this Island, and on being unable, or refusing, or neglecting to pay the same Fine immediately, shall be committed to close Custody in the Common Gaol of this Island, there to remain for three Months, as a Punishment in lieu of the said Fine, unless he will redeem himself by paying the Fine sooner, with all due Fees; and upon a second Conviction of the like Offence shall be fined in any Sum not less than thirty Pounds lawful Money of this Island, nor exceeding sixty Pounds, and, on being unable, refusing, or neglecting to pay the Fine, shall be committed to close Custody in the Common Gaol of this Island, there to remain six Months, as a Punishment in lieu of the said Fine, unless he redeem himself sooner, by paying the said Fine, and all due Fees; and upon a third Conviction shall be publicly whipped with any Number of Lashes, that the Court shall think proper, or be set on the Pillory once or more, as the Court shall think fit, and pay also any Fine, not exceeding one hundred Pounds, nor less than sixty Pounds, lawful Money of this Island, and being unable, refusing, and neglecting to pay the Fine immediately, shall be committed to close Custody in the Common Gaol of this Island for one whole Year, unless he shall thence sooner redeem himself by paying the Fine, and all usual Fees.

XX. And if any Person or Persons shall buy, barter, truck for, or receive, by any unlawful Means from any Slaves, any Goods or Chattels whatsoever, knowing the same to be stolen, although the principal Felon or Felons are not known, or convict, that then such Person or Persons shall be guilty of a Misdemeanor, and may be prosecuted therefore, as afore last mentioned, and shall and may be fined, not exceeding one hundred Pounds lawful Money of this Island, nor less than twenty Pounds like Money, and be imprisoned also for some Time, not exceeding one Year; and in Case of being unable, neglecting, or refusing to pay the Fine immediately, shall undergo such other corporal Punishment instead of the same Fine, by Whipping or Pillory, as the Court shall think fit; and upon a Conviction of the like Offence as last mentioned a second Time, the Person offending shall be deemed a Felon.

To be prosecuted by Indictment or Information.

First Offence punishable by Fine of 30*l.* *max.* 10*l.* *min.*

if Fine unpaid, three Month's Imprisonment.

Second Offence, by Fine of 30*l.* *min.* 60*l.* *max.*

if Fine unpaid, six Month's Imprisonment.

Third Offence, Whipping or Pillory, and Fine of 100*l.* *max.* 60*l.* *min.*

if Fine unpaid, a Year's Imprisonment.

Buying stolen Goods from Slaves, a Misdemeanor, punishable by Fine of 100*l.* *max.* 20*l.* *min.* and Imprisonment not exceeding a Year;

if Fine unpaid, Whipping or Pillory.

Second Offence Felony.

Conviction of
Misdemeanor,
a Bar to Pro-
secution as
Accessory.

XXI. And if any Person shall be convicted of a Misdemeanor for buying, bartering, or trucking with Negroes, contrary to this Act, it shall be a Bar to any other Prosecution for being Accessary to the Felony committed by the Principal, if the Principal be afterwards convict.

Fines under
Act for illegal
Dealings with
Slaves, to go
to Treasury
towards Forti-
fications.

XXII. And all Fines hereby laid on Persons convict of buying, bartering, or receiving Goods from Slaves, shall be to the Use of His Majesty, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, and towards carrying on the Forts, Fortifications, and other Publick Works of this Island.

Person with
stolen Goods,
guilty of Mis-
demeanor, un-
less he de-
clares how
they came.

XXIII. And all and every Person and Persons, on whom, or in whose Possession, any lost or stolen Goods shall be found, it shall be deemed Evidence against him, her, or them, that they bought, trucked, or bartered for such Goods, of or with a Slave, so far as to make him or them liable only to a Misdemeanor, by Virtue of this Act, unless such Person or Persons shall give sufficient Evidence to the Court how he came by the Goods; and it shall not be any Ways necessary in the Indictment or Information for such Misdemeanor, to name particularly the Slave, of whom bought, had, bartered, trucked, or received, but the laying it to be '*from a Slave unknown,*' shall be sufficient.

To lay the
Goods in In-
dictment
'*from a Slave
unknown,*'
sufficient.

Party suspect-
ed of detain-
ing Negro to
be summoned
to answer in
eight Days.

XXIV. And whereas Persons, who illegally detain other Negroes, and imploy them in their Services, do it so cunningly and secretly, that Evidence by White Persons cannot be had against them; be it therefore enacted by the Authority aforesaid, That upon Suspicion of any such illegal Detaining or Implying, any Justice of Peace shall, and is hereby required to issue a Summons against the Party accused, to attend at a certain Day to answer the Premises, and if not attended upon the first Summons, shall issue a second, requiring the Party or Parties accused to attend at any other certain Day, not exceeding eight Days from the Date of each Summons, to answer the Premises, and being attended, shall appoint any Day, not exceeding the Time of six Days for the Trial, of which the Accused is to take Notice, and attend accordingly; and the Justice is hereby empowered to Issue Summons for Witnesses to attend, directed to a Constable, and on the Trial examine him, or her, or them accused, and all the Witnesses on his, her, or their Oath, and if *Quakers*, on solemn Affirmations, concerning such illegal detaining and imploying; and if confest by the Party or Parties accused, or proved by any other Evidence, such Justice shall give Judgment for the Party injured

Second Sum-
mons.

Trial in six
Days from At-
tendance.

Witnesses to
be summoned,
and examined
on Oath, &c.

10th GEO. I.

No. 176.

A. D. 1723.

injured to recover three Shillings and Six-pence lawful Money of this Island, against the Offender or Offenders, for every Day he, she, or they detain such Negro or Negroes, for each Negro or Negroes, if a Common Working-negro only; but if a Handicraft Tradesman, then seven Shillings for each Day, besides a reasonable Sum for Costs.

Damage for Detaining Common Working-negro 3s. 6d. per Day; Handicraft Negro 7s. per Day, with Costs.

XXV. And the Justice giving Judgment shall make a Record of his Proceedings, and return it into the Secretary's Office under his Hand and Seal, and the Complainant or Party injured may sue forth Execution thereon, after the Expiration of six Days, from giving the Judgment, by a Warrant from under the Hand and Seal of the Secretary of this Island, or his lawful Deputy, directed to the Provost Marshal, his Deputy, or any Constable, and it shall be levied on the Offender's Goods and Chattels, and those immediately to be carried to the next Town, and sold by Out-cry, at the Expence of the Offender or Offenders, and the Debt and Costs thereout satisfied; and in Default of Goods and Chattels sufficient of the Offenders to be found, he, she, or they shall be taken and imprisoned till Satisfaction made of the Judgment and all other Fees, and the Justice for hearing the Trial, and making up the Record, shall and may receive twelve Shillings, and no more, and the Secretary Eighteen-pence for filing, and three Shillings for issuing the Execution, and the Marshal, his Deputy, or Constable, six Shillings for executing the Warrant upon each Offender's Body, if no Goods or Chattels, and if levied on Goods and Chattels, then only six Shillings, and Eighteen-pence in the Pound for levying and selling.

Justice to record Proceedings, &c.

Execution in six Days from Judgment.

Goods levied on, to be sold by Out-cry.

In Default of Goods, Party to be imprisoned.

The Fees.

XXVI. And such Recovery before a Justice of Peace shall be a Bar to any further Prosecution whatsoever, for the same Offence or Offences of detaining and imploying Others' Slaves.

Recovery before Justice, to bar further Prosecution.

XXVII. And if the Accused, after knowing the Day of Trial, or any Person or Persons whatsoever, being duly summoned by the Space of twenty-four Hours by Writing to attend at the Day of Trial as Witnesses or otherwise, shall neglect then to attend, the Party accused shall forfeit ten Pounds lawful Money, to be recovered before any one Justice of the Peace, and levied by his Warrant to a Constable on the Offender's Goods, and sold as last mentioned in Case of Executions levied to the Use of the Party complaining; and every Witness duly summoned, and being able to attend, and not attending, shall forfeit five Pounds to the Party grieved, to be recovered as last mentioned; and then another Day on such Failure of the accused Party's Attending, or the Attending of any material Witness summoned, shall

Accused contemning Summons, to be fined 10l.;

by Justice's Warrant; to Use of Complainant.

Witness disobeying Summons to forfeit 5l. to Party grieved.

If Accused or Witness absent,

sent, another
Day for Trial,
Party desiring
it paying Costs.

shall be granted for Trial on the Party's desiring such further Day, he paying such Costs down for the other's Delay, as the Justice before whom the Trial was to have been shall award.

Where one
Slave murders
another, Value
paid for Slave
executed, to
be equally di-
vided between
the Masters.

Slave killed in
pursuing Run-
away, to be
paid for as in
S. 9. *supra* :

if hurt, Pay-
ment to be
proportion-
able.

Slaves fighting,
and Slave
drawing Knife,
to be whipped.

If Slaves in
Number ex-
ceeding ten,
assemble a-
bout *St. John's*
on a *Saturday*
or *Sunday*,
Justices, under
Governor's
Direction, to
send two Con-
stables, and
two Parties of
Militia to dis-
perse them.

House-keeper
to attend in
turn, or send
White armed,
on Penalty of
20s.

XXVIII. And be it, and it is also hereby further enacted by the Authority aforesaid, That where one Slave murders another, the Price paid by the Publick on executing the Murderer, shall be equally divided between the Owner of the Offender, and the Owner of the Slave slain; and also, if any Person's Slave shall be killed in pursuing Run-aways by his Master's, Owner's Renter's, or Manager's Order, or any other lawful Order, the Slave slain shall be paid for by the Publick, and the Value settled in like Manner as before directed herein for settling the Value of a Run-away killed in being pursued; and if the Slave pursuing be only maimed, or much hurt, then a proportionable Allowance shall be made by the Publick, to be settled in Manner last mentioned.

XXIX. And be it also enacted by the Authority aforesaid, That any Slaves that shall be taken fighting, they shall be whipped publicly by Order of a Justice, at the Discretion of the Justice; and if any Slave draw a Knife, either in assaulting another, or in his own Defence, he shall be publicly whipped by like Order at the Discretion of the Justice.

XXX. And whereas Slaves do frequently on *Saturdays* in the Afternoon, and *Sundays*, gather and assemble in great Numbers in and about the Town of *St. John's*, and commit Riots, and sometimes kill one another, to the great Terror and actual endangering of the Inhabitants; be it therefore, and it is hereby enacted by the Authority aforesaid, That the Justices of the Peace residing in the said Town, or the most adjacent to it, shall be directed by the Commander in Chief, or, in his Absence, by the Lieutenant General of these Islands, or, in his Absence, by the Lieutenant Governor of this Island, to nominate two Constables to go in two Companies, with a convenient Number, not less in all than six of the Militia of the said Town, in each Company with the Constable (one of which to be an Officer) through the said Town of *St. John's*, and the Pastures adjacent, known by the Name of *Otto's Pasture*, and *Long's*, or *Morgan's Pasture*, to disperse Negroes got together in any Number exceeding ten.

XXXI. And each House-keeper in the said Town, being summoned in due turn, shall attend himself, or send a White Man, armed with a Gun, Powder, and Ball, upon pain of forfeiting twenty Shillings current Money of this Island; and the Constable, or any going in his Assistance,

4th Geo. I.

No. 176.

A. D. 1723.

Assistance, are hereby authorized and required, upon seeing any Number of Negroes assembled in a tumultuous Manner, or playing at Dice, or any Game, Play, or Diversion, to make three Proclamations, requiring such Negroes to separate, and disperse, and to retire to their Homes, and, upon Contempt of the said Proclamation, or the Negroes not dispersing, may seize one or more of such Slaves, and carry him before a Magistrate, who shall order such Slave or Slaves to Gaol, and the same Slave or Slaves shall be whipped publicly by a Justice's Order, on any Day within three Days after the Offence, with any Number of Stripes at the Justice's Discretion; but if the Constable or any in his Assistance shall apprehend it necessary, in Contempt and Disobedience of the Proclamation, he or they may fire upon, and kill any of the Slaves so contemning or disobeying, and not be liable to any Prosecution therefore, and any Slave so killed shall be paid for by the Publick, and the Value settled as in Case of killing a Runaway in pursuit.

On Proclamation three Times to disperse, and Contempt of it, Constable's Party may seize one or more Slaves, to be whipped in three Days by Justice's Order:

Or if deemed necessary, may fire, and kill Slaves.

Slave killed to be paid for as in S. 9. *supra*.

XXXII. And whereas great Disorders have happened, and Murders have been committed by Slaves, because their Masters have not allowed them the same Number of Days for their Recreation at *Christmas*, as several of their Neighbours have done; be it therefore, and it is hereby enacted by the Authority aforesaid, That all Owners, Masters, Managers, and Renters of Slaves within this Island, shall allow to their Slaves, (except those necessary about their Houses) [*Christmas-day and the two Days next following,*] as Play-Days for their Recreation, and no more, or other Days, during the twelve *Christmas* Holidays; and if any Person, Master, Owner, or Renter, or Manager of any Plantation, do not allow their Slaves the same Days, as before-mentioned, for their Recreation, and as Holidays, or shall allow any other or more Days in the *Christmas* Holidays, the Person or Persons offending, shall each forfeit the Sum of [*twenty Pounds*] current Money of this Island.

By No. 390, S. 1. Slaves (except those employed domestically) to have, at *Christmas* Holidays, from Sun-Set 24th Dec. to Sun-Rise 28th Dec.

Persons not allowing such, or allowing more, to forfeit by No. 390, S. 1. 100*l*.

XXXIII. And for the better putting in Execution this Act; be it enacted by the Authority aforesaid, That the Commanding Officer of the Troop of Carbineers, and the Commanding Officer of each Regiment of Foot, are each respectively hereby required to summon all Persons under their particular Commands to ride the Rounds on every *Christmas-day*, and the two Days next following, from eight of the Clock every Morning, until ten of the Clock every Evening of the same last mentioned Days; and every Person who rides the Rounds, shall once a Day, when he is on the Rounds, rendezvous at the Chief Commander's House of the Division; and no Person shall be

Sec No. 390, S. 2. 3. 4.

10th GEO. 1.

No. 176.

A. D. 1723.

Officer neglecting Duty, to forfeit 10/.
Private, 5/.

Owner suffering his Slave to plant Cotton, for such Slave's Use, to forfeit 10/.

Free Person suspected of selling Cotton for Slave, to be examined before Justice; not denying it on Oath, to forfeit Cotton to Informer.

Arms seized from Custody of Slave, and carried before Justice, to be forfeited to Seizer: unless Slave have Ticket for carrying Arms.

By Act of 30th March, 1793, (No. 485,) S. 28. Privates in Militia prohibited from sending their Arms to Parade by Slaves.

Persons selling Arms to Slave to forfeit 10/.

be compellable to ride out of the Division where he lives; and every Officer of the Militia neglecting his Duty herein, shall forfeit ten Pounds current Money of this Island; and every other Person duly summoned and neglecting, shall forfeit five Pounds like Money.

XXXIV. And whereas Cotton Planters are injured by Thefts, because Slaves have been suffered to plant Cotton for their own Use; be it enacted by the Authority aforesaid, That any Person whatsoever, Owner or Possessor of Slaves, that shall permit his or her Slave or Slaves, to plant or gather Cotton for the Use of such Slave or Slaves, such Master, Owner or Possessor, shall forfeit ten Pounds lawful Money of this Island; and if any White Man, Free Negro, or Mulatto, shall expose to Sale any Cotton suspected to appertain to a Slave, any Justice of the Peace may cause the Party suspected, and having the Cotton in Possession to be brought before him, and to make Oath before him, that the Cotton doth not directly or indirectly belong to any Slave; and if the Party refuses to make such Oath, the Cotton shall be seized by the Justice's Order, and become forfeited to the Use of the Informer.

XXXV. And be it further enacted by the Authority aforesaid, That if any Slave shall be taken out of the Plantation to which such Slave belongs, with any Fire Arms, Cutlashes, Swords, Pikes, or Lances, or other hurtful Arms, not having a Ticket from the Owner or Possessor of such Slave for carrying the same, or not being in Company under the Direction of a White Person, sent along with such Slave or Slaves, any Person or Persons may seize such Slave with the Arms or Weapons, or the Arms and Weapons alone, and carry such Slave and Arms, or the Arms only, before a Justice of the Peace, and the Justice shall order the Arms to be forfeited, and the same are hereby declared to be forfeited to the Person or Persons that shall have seized the said Slave or Arms; but if there was a Ticket duly given for carrying the said Arms, and the same Ticket be lost, or was taken from the Slave, [*or the Slave being attendant that Day on his Master to exercise,*] then, upon Oath thereof made by the Owner, Master, Mistress, Renter, or Overseer, that such Ticket was so given, the Arms shall be again restored to the Owner.

XXXVI. And it is also further enacted by the Authority aforesaid, That if any Person whatsoever shall hereafter sell, barter, or give to any Slave any Fire Arms, Cutlash, or offensive Weapons, except those given for Watching, he, she, or they, shall forfeit ten Pounds lawful Money of this Island.

XXXVII.

10th GEO. I.

No. 176.

A. D. 1723.

XXXVII. And for preventing Disorders by those who ride the Rounds, according to the Direction of this Act, if any Person so riding the Rounds, shall break up any Negro Houses, or beat or abuse any Slave, unless in Pursuit of a run-away, or criminal Slave flying or resisting, and due Notice of such Pursuit given to Master, Mistress, Owner, Renter, or Manager having the Care of such Plantation, every Offender shall forfeit ten Pounds lawful Money of this Island.

Persons guilty of Disorders in riding Rounds to forfeit 10%.

XXXVIII. And be it, and it is hereby enacted by the Authority aforesaid, That if any Justice of the Peace, Provost Marshal, or his Deputy, or any Constable, shall refuse or neglect to do their respective Duties pursuant to this Act, he or they shall each forfeit twenty Pounds for every Offence.

Justices and Officers not executing Act, to forfeit 20%.

XXXIX. And be it, and it is hereby also further enacted by the Authority aforesaid, That all Fines and Forfeitures laid by this Act (where no particular Method of Recovery, or particular Use is declared for recovering and disposing thereof) shall and may be recovered before Justices of Peace in their Sessions, or Justices of *Oyer* and *Terminer*, and Gaol Delivery, by Bill, Plaint, Indictment, or Information, and no Essoin, Protection, or Wager of Law to be allowed, or else before one Justice of the Peace of this Island; and the Offender to be committed to close Custody in the Common Gaol of this Island, until he pay the same, by the Warrant of a Justice of Peace founded on the Recovery at the Sessions, or Court of *Oyer* and *Terminer*, or before himself, directed to a Constable, or Provost Marshal, or his lawful Deputy; and, if the Offender be not to be found, to be levied on his Goods and Chattels, which shall be sold as herein before directed in Case of Executions on Judgments given by Justices of the Peace for illegal detaining Slaves, and the Offender or Offenders convict shall pay reasonable Costs, if the Court or Justice, before whom the Recovery is, shall think fit to give any Cost; and shall be disposed, one Moiety to the Prosecutor, and the other Moiety to the Use of His Majesty, His Heirs and Successors, to be paid into the Publick Treasury of this Island, to be employed in carrying on the Forts and Fortifications, and Publick Works of the same; and all Fines and Forfeitures whatsoever, laid by this Act, shall and may be paid either in Money or the Produce of the Island, at Price-current.

Fines not particularly provided for by Act, to be recovered before Justices of Sessions, &c. by Bill, &c. or before one Justice.

Offender to be committed till Payment.

If Offender abscond, Fine to be levied as in S. 25. *supra*. And Costs may be inflicted.

Fines to go Half to Prosecutor, and Half to Treasury towards Fortifications: may be paid in Money or Produce.

XL. And whereas several cruel Persons, to gratify their own Humours, against the Laws of God and Humanity, frequently kill, destroy, or dismember their own and other Persons' Slaves, and have hitherto gone unpunished, because it is inconsistent with the Constitution and Government of this Island, and would be too great a Countenance and Encouragement

Repealed with the following Clause by No. 522, S. 1. No. 522. contemplates the killing or maiming

maiming a Slave, the same as killing or maiming a Free Person, and assigns the same Punishment. So also the General Act of the Leeward Islands of 21st April, 1798, (No. 36,) S. 21.

to Slaves to resist White Persons, to set Slaves so far upon an Equality with the free Inhabitants, as to try those that kill them for their Lives, nor is it known or practised in any of the Caribbee Islands, that any free Person killing a Slave is triable for his Life; but particular Laws (of which we are not provided) are made in several of them, for punishing the aforesaid Crimes, and are found very effectual in deterring Persons from such Crimes.

XLI. Be it therefore enacted by the Authority aforesaid, That if any free Person or Persons whatsoever shall wilfully kill or cause to be killed any Slave whatsoever, either belonging to himself or Another, in any such Manner as is not excusable by the Laws of Great Britain, or allowed by the Laws of this Island, whether the same be by excessive Punishment or otherwise, or shall geld or dismember any such Slave, that then such Person or Persons shall and may be prosecuted by Presentment, Indictment, or Information before Justices of the Peace in their Sessions, or Justices of Oyer and Terminer, and Gaol Delivery, and upon Conviction of any such killing, the Offender or Offenders shall be fined each in any Sum not under one hundred Pounds, nor exceeding three hundred Pounds, lawful Money of this Island, and be imprisoned till said Fine paid, and all due Fees, and find Sureties for their good Behaviour for one Year; and in case of Gelding or Dismembring, and Conviction thereof, the Offender or Offenders shall each be fined any Sum not under twenty Pounds, nor above one hundred Pounds, lawful Money of this Island, and be imprisoned in the Common Gaol till the same paid, and find Sureties for their good Behaviour for a Year, so as the Prosecution be commenced in one Year after the Offence of Killing, Gelding, Maiming, committed, and not after; and shall likewise pay double Damages and Costs to the Party grieved, to be recovered by Action of Trespass in any Court of Record in this Island, the Moiety of which Fines for killing, gelding, or dismembering a Slave, shall be to the Use of His Majesty, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, to be employed towards repairing the Forts and Fortifications of this Island, and the other Half to the Informer prosecuting therefore.

Persons sued for executing Act may plead General Issue and give Act in Evidence; gaining Verdict, to have treble Costs.

Act, Public.

XLII. And be it also further enacted by the Authority aforesaid, That in every Action, Suit, Indictment, Information, or Prosecution, wherein any Person shall be sued or prosecuted for doing any Thing by Virtue of this Act, the Person or Persons so sued or prosecuted, their, or his, or her Executors or Administrators, may plead the General Issue, and give this Act in Evidence in any Court within this Island; and if there be a Verdict for such Party prosecuted, the Prosecutor shall pay treble Costs; and this Act shall be deemed a Publick

10th GEO. I.

Nis. 176, 177.

A. D. 1723.

lick Act, and all Judges, Justices, and Juries are hereby required to take Notice thereof accordingly.

XLIII. And that all Persons may have due Notice of this Act, it shall be read in all Parish Churches and Chapels of Ease in this Island, on the *Sunday* before *Christmas-day* next, and the next *Sunday* before *Christmas-day* in every Year, and at the Head of the Troop of Carbineers, and the Head of each Regiment of Foot, at their next Meetings respectively, after passing the same, and at their first Meeting before *Christmas-Day* in every Year.

Act to be read
in Churches,
and at the
Head of Mili-
tary Bodies
yearly.

Dated at the Town of *St. John's*, this ninth Day of *December*, in the Year of our Lord God one thousand seven hundred and twenty-three, and in the tenth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

Past the Assembly the 9th Day }
of *December*, 1723.

{ Past the Council the 9th Day
of *December*, 1723.

HENRY WARNER,
Clerk of the Assembly.

WAVEL SMITH,
Secretary, &c.

ASHTON WARNER, *Speaker.*

JOHN HART.

An Act for constituting a Court to hold Plea of foreign Attachment, according to the Custom of the City of London. No. 177. OBSOLETE.

Dated 17th February, 1723.

10th GEO. I.

Nis. 178—180.

A. D. 1724.

- No. 178. *An Act for cutting off the Intail of certain Lands, and Tenements, and Hereditaments, in Antigua, belonging to John Vernon, of the Parish of Saint James's Westminster, Esquire.*
PRIVATE.

Dated 1st May, 1724.

- No 179. *An Act for encouraging Thomas Martin of this Island, Carpenter, in his new Projection of Wind-mills and Cattle-mills.*
PRIVATE.

Dated 12th May, 1724.

- No. 180. *An Act for cleaning and amending the Highways in this Island, and to repeal an Act for cleaning and enlarging Common Paths and Highways within this Island.*

ENLARGED
by Act of 24th
Sept. 1753,
(No. 204.)
ALTERED by
Act of 20th
Sept. 1777,
(No. 381.)
REPEALED
IN PART by
Act of 21st
Feb. 1799,
(No 533.)

WHEREAS there is an Act now in Force, intituled, *An Act for cleaning and enlarging Common Paths and Highways within this Island*, made the eighth Day of April, one thousand six hundred and eighty, which Act is found very defective, since the Island is become so much improved, and a further Provision is necessary to be made by a Law for repairing and amending the Highways of this Island :

II. We Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, do humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the above recited Act be, and the same is hereby repealed and annulled.

III. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That from henceforth yearly, at the Sessions of the Peace held for this Island next after *Christmas*, there shall be elected and appointed, by the Justices of the Peace in their said Sessions, three Persons, being Freeholders, in each Division of this Island,

Act No. 56 is
repealed.

Three Way-
wardens to be
chosen in each
Division.
By No. 204, S.
4. St. John's
Division to
have six Way-
wardens.

11th Geo. I.

No. 180.

A. D. 1724.

Island, as Way-wardens for the respective Divisions, for which they shall be chosen.

IV. Which Persons, when chosen as Way-wardens, within three Days after that Sessions, shall have Notice in Writing, by the Clerk of the Crown, of their being so chosen, which Notice in Writing being personally served, or else left at the Abode of such Persons so chosen, shall be deemed sufficient Notice of the Election, and the Clerk of the Crown shall, at that Sessions when the Election is made, receive, out of the Fines and Forfeitures laid or imposed by the Court, one Shilling and Six-pence for each Way-warden so chosen; and if the Clerk of the Crown neglect summoning any Way-warden, as hereby is directed, he shall forfeit five Pounds lawful Money of *Antigua*, to be recovered before a Justice of the Peace, or at the Sessions, by Indictment, Presentment, or Information, to the Use of the Informer or Prosecutor, who shall recover full Costs also.

Clerk of the Crown to give in three Days Notice in Writing to Way-wardens chosen:

his Fee 1s. 6d. for each.

Clerk neglecting, to forfeit 5l. recoverable, with Costs, before one Justice, or the Sessions; to Use of Informer.

V. Which Persons, so chosen as Way-wardens, shall serve as such, until a new Election is made of others, under Penalty of forfeiting fifty Pounds current Money of the said Island of *Antigua*, each Person neglecting or refusing to take upon them the said Office, and to execute the same; to be recovered by Indictment, Information, or Presentment, at any Sessions in this Island, to the Use of His Majesty, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, to be employed in building and repairing the Forts and Fortifications thereof.

Way-wardens refusing to serve, to forfeit 50l.;

to be recovered before Justices in Sessions, and paid to Treasury towards Fortifications.

VI. Which Persons so elected Way-wardens, or any two of them, in their respective Divisions, are hereby impowered and required, *when and as often as the Highways in their respective Divisions want repairing or cleaning, by Warrant under their Hands and Seals directed to a Constable of the same Division, to summon the Inhabitants of the same Division, either in Person, or by calling and leaving Word with a White Person at their Plantations, or, if no White Person, with the Negro-Overseer, or Driver, to attend with their Quota of Slaves, to repair and clean the Highways.*

By No. 533, S. 1. every Part of this Act which directs the Highways to be repaired by the General Inhabitants of each Division is repealed: and a different Course appointed.

VII. And the Constable shall receive, out of the Publick Treasury of this Island, Six-pence lawful Money of this Island, for each Person summoned, upon Proof thereof made on Oath before any Justice of Peace, and a Certificate thereof from such Justice, without further Order to the Treasurer; and the Constable shall immediately return a List to one of the Way-wardens, of the Persons summoned.

Constable to have 6d. for each Person summoned.

VIII. *And the said Notice for attending Highways shall be given at least forty-eight Hours before the Time of Attendance, and every Person so summoned,*

REPEALED by No. 533, S. 1.

summoned, not being a Woman, and resident in the Division, being in Health, shall attend in Person at the said Highways, with a White Servant, if he hath one, until discharged by the Way-wardens, or any two of them, unless the Way-wardens of the Division, or any two of them, shall for good Reasons excuse him his Attendance, and shall also send to the Highways one third Part of his whole Number of Slaves, such third Part, so sent, to be of the best and ablest Workers, which Slaves shall all bring Hoes, and at least Half of them shall bring Baskets to the Highways; and if the Way-wardens of any Division, or any two of them, shall see proper, they may direct any Person to send any Number of Bills, with their Slaves, to the Highways, not exceeding the Number of Slaves such Person shall send, and any Number of Axes, not exceeding four from any one Plantation; and also, where any Person sends ten or more Slaves, he shall send (if required) an Iron Crow, and one or two Pick-axes, and one or two Spades, as the Way-wardens, or any two of them, shall direct, to be imployed on the Highways.

REPEALED
by No. 533,
S. 1.

IX. And if the Way-wardens, or any two of them, in any Division, shall find Carts necessary for the repairing the Highways, they the said Way-wardens, or any two of them, shall and may order any Owner, Manager, or Occupier of a Plantation, which sends twenty Slaves or more, to send to the Highways a Cart with six working Cattle, and two Carters, which shall be allowed in Lieu of twenty Slaves.

REPEALED
by No. 533,
S. 1.

X. And whereas Disputes sometimes happen in what Part of the Ways particular Persons' Slaves shall work, and what Highways some Divisions are to repair and clean; be it therefore, and it is hereby enacted by the Authority aforesaid, That the Inhabitants in each respective Division shall clean all Highways in the same Division with such Slaves as commonly live in that Division, and that all Slaves sent to the Highways shall work on such Part of the Highways in their Division, and in such Manner, as the Way-wardens, or any two of them, shall direct within their respective Divisions.

REPEALED as
far as relates
to Highways
by No. 533,
S. 1; Good as
to Bridges.

See extended
Power as to
Bridges in
No. 381, S. 6.

XI. And where it shall so happen, that some particular small Step or Part of a [Highway or] Bridge shall be out of Repair, so that a few Hands may mend it, the Way-wardens of the Division, or any two of them, shall and may direct the Masters, Managers, and Occupiers of any two, three, or four of the adjacent Plantations, in that Division, to attend, upon a Summons given as aforesaid for Attendance, with such White Servant and any Number of Slaves not exceeding a third Part of the whole Number, to be of their ablest Workers, with such Tools and Implements as are herein before mentioned to be brought and used on the repairing or cleansing the Highways,

11th Geo. I.

No. 180.

A. D. 1724.

Highways, to repair, amend, or cleanse such small Step or Part of the Highway, and such Work shall be allowed to the Persons that attend, and send their Slaves thereon, out of the next general Attendance and Work that shall be in the Division on their Highways.

XII. And be it enacted by the Authority aforesaid, That where it shall be thought necessary by the Way-wardens, or any two of them, in their Division to build a Bridge, or repair one already built for necessary Passage over any Gutt or Hollow-way, they the said Way-wardens, or any two of them, are hereby impowered and authorized to agree with, and imploy any Workman to build such Bridges of Timber, only where a Stone or Brick Bridge cannot be built for the Sum of forty Pounds; and, where a small Bridge may be built of Brick or Stone, for the Sum of forty Pounds, to build the same of Brick or Stone; and also to repair Bridges which shall be built, or are already built, and to buy or agree for Lime, Brick, Stone, and Timber, and to cut down and agree for the Price of any standing Timber, next or conveniently adjoining to the Highway, for repairing or building such Bridges, [and to imploy *the Slaves, and Cattle, and Carts sent to the Highways, in the repairing and building the same Bridges,*] and to hire [such other] Carts and Cattle, if Occasion, and imploy them about the same.

Way-wardens to build Brick or Stone Bridges, Expence not exceeding 40*l.* otherwise Timber Bridges; to repair, &c.
See No. 381, respecting Thibou's Creek Bridge.
See No. 488, respecting Blubber Valley Bridge.

The Parts in Crotchets fall with the Clauses repealed.

XIII. And if any Dispute arise concerning the Value of Timber cut for the Use of Bridges, the Way-wardens, or any two of them, shall cause, by Warrant under their Hands and Seals, any two of the Freeholders of their Division to appraise the same on Oath (which the Way-wardens, or either of them, are hereby impowered to administer) or else by Oath before any Justice of the Peace, and to make Return thereof within fourteen Days, which Warrant and Return shall be delivered to the Owner of the Timber, upon which a Certificate shall be made by the Way-wardens, or any two of them.

Dispute respecting Price of Timber to be settled by Appraisement of two Freeholders, &c.

XIV. And be it enacted, That in all Cases concerning Bridges, the Certificate and Allowance of the said Way-wardens, or any two of them, under their Hands and Seals, of the Price or Value of any Labour or Hire of Workmen, Carts, or Cattle, Value of Timber, or other Materials, used or imployed about the said Bridges, shall be sufficient Warrant to intitle any Person or Persons to be paid out of the Publick Treasury of this Island, by the Treasurer or his lawful Deputy, without further Warrant, or Order, and Allowance of such Payments shall be made to the Treasurer for the Time being, in his Accounts.

Way-wardens' Certificate, of the Value of Labour or Materials, sufficient to entitle to Payment from Treasury.

XV.

REPEALED
by No. 533,
S. 1. not as it
determines
what are
deemed High-
ways; nor as
it relates to
Bridges: but
only as to the
Mode of re-
pairing High-
ways.

Description of
Highways to
be repaired at
Public Ex-
pence;

all to be kept
clear to the
Breadth of 24
Feet.
By No. 204,
S. 3. Jury
Paths are also
Public High-
ways.

Way-wardens
may dig
Trenches on
Proprietor's
Soil near
Highway not
above five
Feet broad,
&c.

XV. And also for the ascertaining for the future what shall be deemed Highways, and to be cleaned and repaired by the Publick Strength of Slaves, as likewise what shall be the Dimensions of Highways; be it, and it is hereby enacted and ordained by the Authority aforesaid, That where a Highway runs between or divides two Divisions, or a Bridge is between two Divisions, or necessary to be built between two Divisions, that such two Divisions shall, with their joint Strength of Hands, as the Way-wardens of the same two Divisions, or any four of them, shall agree, repair or build the same Bridge, [*or clean and amend the same Highway,*] as far as it runs between the same Divisions; and the Way-wardens of either Division are in such case to attend, upon a Summons, served by any Constable on them six Days before the Time appointed for Attendance, signed by any two of the Way-wardens of the other Division, requiring such Attendance, and to cause Summons to be issued to the Inhabitants of their Division to attend thereon.

XVI. And be it further enacted by the Authority aforesaid, That no Path or Way shall for the future be esteemed a Publick Highway, so as to be cleansed or repaired by the Publick Strength of Slaves sent on the Highways, or any of them, but such Paths and Ways only, as at the Time of passing this Act are lawful Publick or Common Highways, and are Thoroughfares from one Highway into another, or else from some Publick Highway to the Sea Side of any Publick Paying-place or Town in this Island, or that leads from a Publick Highway to any Fort or Guard-house; all which said Publick Highways of this Island shall be made and kept clean twenty-four Feet in Breadth, and all large high Stumps grubbed up, or burnt down, and all other obstructive or offensive Matters removed for that Space.

XVII. And whereas there may be sometimes Occasion for Trenches to drain some Parts of the Highways from Water; be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Way-wardens of each Division, or any two of them, are hereby impowered to cause any convenient Trench to be dug in the Soil of any Person, on the Limits or Edge of any Highway, not exceeding five Feet in Breadth, and to enlarge to that Breadth, and to scour or cleanse any Trench there already made, or to be made, as often as shall be necessary, and (if Occasion) to throw the Soil dug out of such Trench into the Land of the Person adjoining thereon, doing as little Damage as reasonably may be, and to imploy the
Slaves

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Slaves and Utensils sent to the Highways, in making, enlarging, and cleansing any such Trenches.

XVIII. And if any Person believe himself damnified by such Trenches, the Way-wardens, or any two of them, shall certify the Value on their Oaths, and under their Hands; which Oath may be administered by any Justice of the Peace, or by the Way-wardens to each other, though they are not Justices of the Peace; and such Damage shall be paid for out of the Publick Treasury on such Certificate, without further Order, and shall be a sufficient Voucher to the Treasurer.

Damage by Trenches to be paid for by the Public, when certified by Way-wardens on Oath.

XIX. And also it shall be lawful for the Way-wardens, or any two of them, to take any Stones lying or appearing on the Surface of the Earth, in any Plantation near the Highways (except such Stones as are in Quarry, or such as are raised out of a Quarry, or shall be in Plant Canes or Rattoon Canes, where such Rattoons are six Months old) and to use and imploy the same about the Highways, and to send Slaves, but not Carts, on the Owner's Soil to fetch the same Stones for such Purpose; and if any Person believe himself damaged by fetching such Stones, his Damage shall be ascertained, certified, and paid for in the same Manner as Damage done by Trenches.

Way-wardens may take Stones lying on the Earth, &c.
Exception.

To fetch such Stones by Slaves.

Damage by taking Stones, to be paid for as Damage by Trenches.

XX. And be it enacted, That all Damage or Hurt, that shall happen to any Slave or Beast imployed on the Highways, shall be paid for out of the Publick Treasury of this Island, and shall be ascertained and certified in the same Manner as Damage done by Trenches; and it shall be lawful for the Way-wardens, or any two of them, to cause the Slaves imployed on the Highways, to lop the Boughs of any Timber Tree, or other Tree, so far as they hang over the Highway; and also to trim and cut any Hedge or Fence growing next the Highway, from the Root straight up, so far as it comes into the Highway, or overhangs it.

Damage or Hurt in Service, to be paid for by the Public, &c.

Way-wardens may order Slaves to lop Boughs, and trim Fences next the Highways.

XXI. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, *[being a Man, shall fail in attending in Person with a White Servant, if he hath one, or sending his Utensils, or in pursuing the Orders and Directions of the Way-wardens, or any two of them, given or issued, according to the Directions of this Act, while on the Highways, or in other Respect shall fail of his Duty, as directed by this Act, or]* shall molest, impede, hinder, threaten, or oppose any Way-warden in the Execution of his Duty, such Person so *[neglecting his Duty, or]* molesting, hindering, or threatening, any Way-warden in the Execution of his Duty, shall and may, upon a

The Passages in Italics are repealed by No. 533, S. 1. as they relate to Highways: but not as they relate to Bridges.

Persons molesting Way-wardens brought before Justice in four Days after

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ter Complaint,
or as soon as
found, to be
fined, for tri-
vial Offence,
40s. *max.* or
10s. *min.* and
committed till
Payment.

Justice's Fee
7s.

No Appeal.

Bar to further
Prosecution;
but not to
Action.

Party com-
mitting great
Offence to be
bound over to
Sessions, &c.
*See No. 533,
S. 7. 10. 15.*

*Clause repeal-
ed by No. 533,
S. 1.; yet ad-
verted to by
Act of 22d
April, 1797,
(No. 517,) S. 2.
in order to im-
pose similar
Penalty, with
similar Means
of Recovery,
on Defaulters
in not sending
Slaves*

Complaint by any Way-warden before a Justice of Peace, be brought before such Justice to whom the Complaint is made, and no other, at a Day certain within four Days after such Complaint, or as soon after as he can be found, to answer the same Complaint; and if the Way-warden prosecuting or complaining shall think the Crime is not great, he shall and may proceed before such Justice immediately, which Justice is hereby impowered to hear and determine the same, within forty-eight Hours after such Person offending shall be brought before him, and, upon finding the Party guilty, may assess any Fine, not exceeding forty Shillings, nor less than ten Shillings, lawful Money of the said Island of *Antigua*, upon the Party guilty, and commit him to the Common Gaol of this Island, till he pay the same, with reasonable Costs, to be assest by the same Justice; and the Justice may take to himself, for the whole proceeding, seven Shillings like Money, and no more; and such Sentence and Judgment shall be conclusive, and without Appeal, and a Bar to any other Prosecution of any Kind, for that Crime, except the Crime be such, as shall intitle any Person to an Action at Law for Damages, and in that Case it shall not bar the Party's Action; but if the Way-warden, so informing or prosecuting, shall conceive the Crime or Offence to be great, then, at the Request of the same Way-warden, the Party offending [*or neglecting*] shall be bound to the next Sessions to be held for this Island, to answer the same, where the same shall be proceeded on, as is usual in Case of Indictments, or Presentments, in this Island, for Trespasses, and the Justices have hereby Power in their Sessions of the Peace, and Justices of *Oyer* and *Terminer*, and of Gaol Delivery, have Power, to assess Fines on the Parties found guilty, or any of them, not exceeding fifty Pounds, lawful Money of *Antigua*, to the Use of His Majesty, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, to be applied towards the repairing and building the Forts and Fortifications of this Island.

XXII. And if any Person shall neglect or refuse to send all or any Part of his Quota of Slaves to the Highways, being duly summoned, such Person shall pay and forfeit *five Shillings per Diem, for each Slave wanting, which Forfeiture shall be recovered before any one Justice of the Peace, and levied by his Warrant on the Goods and Chattels of the Offender, to be sold by Out-cry, for which Default the Certificate of any one Way-warden shall be sufficient Evidence to convict the Offender, unless the Offender can make appear, that he is not obliged to send Slaves to such Highways, or that he did comply with this Act; and* the

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the Justice of Peace is hereby required finally to determine such Complaint, within fourteen Days after the same is made, which Forfeiture for not sending shall be to the Use of His Majesty, His Heirs, and Successors, to be imployed on the Forts and Fortifications of this Island.

XXIII. And if any Way-warden shall neglect his Duty, by suffering the *Ways* to be unrepaired or uncleansed, or otherwise, contrary to this Act, he shall, upon Complaint made to any Justice of the Peace on Oath, be bound to appear at the next Sessions to answer the same, or may be presented at the Sessions for the same, and be there proceeded against, as other Persons neglecting or offending against this Act.

XXIV. And if any Justice of the Peace shall fail to do his Duty in any Respect, as by this Act is before or hereafter required, he shall forfeit fifty Pounds, lawful Money of this Island, for every Offence or Neglect, to be recovered in any Court of this Island, by Action of Debt; one Moiety to the Use of the Informer suing for the same, and the other Moiety to the Use of His Majesty, His Heirs, and Successors, to be paid into the Publick Treasury of this Island, to be imployed about the Forts and Fortifications thereof, in which Actions the Informer, if he recover, shall recover also full Costs.

XXV. And whereas People do frequently petition for Paths, commonly called *Jury-paths*, for their own Convenience, which are usually granted by the Justices at Sessions, without any Inquiry into the Reasonableness of such Petitions, which may prove a Prejudice to some Persons hereafter; be it therefore enacted by the Authority aforesaid, That no Person shall be allowed to have any other Jury-path from his Plantation, where he hath one already, nor shall any Person not having a Jury-path from his Plantation, be hereafter allowed more than one Jury-path from his Plantation.

XXVI. And also, That no Jury-path or Way shall be hereafter granted on such Petition, unless such Petition be first signed by some Justice of the Peace, and a Summons thereon issued, and signed by some Justice of Peace, to the Way-wardens of the Division or Divisions, where the said Path or Way is intended to run, and to the Parties through whose Ground the same is to be made, to appear at the next Sessions to shew Cause why the said Petition should not be granted; and such Notice shall be, by leaving a Copy of the Summons, so issued by the Justice of Peace, signed by the Constable, and served by him on the said Way-wardens, or Parties, or left at

Slaves to work
at Public
Ponds.

See Way-war-
den's Duty as
to Highways,
in No. 533.

Justice diso-
beying Act to
forfeit 50^l. re-
coverable by
Action.

Forfeiture to
go, Half to
Informer, and
Half to Treas-
ury towards
Fortifications.

Informer re-
covering, to
have Costs.

Not more than
one Jury-path
to be allowed
from Planta-
tion.

Jury-path not
to be granted,
unless Justice
sign Petition,
and Summons
issue thereon
to Way-war-
dens and to
Parties con-
cerned to
shew cause
against Peti-
tion.

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their Houses, or Places of usual Abode, at least forty-eight Hours before the Sessions, at which the same Petition is intended to be preferred, and Oath of such Service made, either before a Justice of Peace on Oath, or at the Sessions in open Court, and indorsed on or annexed to the same Petition.

Justice's Fees
for Petition
and Summons
6s. for Proof
of Service 3s.

Constable's
Fee 3s. for
each Sum-
mons.

Constable dis-
obeying Act,
to forfeit 10l.
max. recover-
able before
Justices in
Sessions, &c.

Justice or
Waywarden
sued for exe-
cuting Act
may plead
General Issue,
and give Act
in Evidence.

Treble Costs.
Act a General
Act.

N. B. Besides
the Acts ad-
verted to, there
is an Act
(No. 461)
dated 27th
March, 1789,
relating to the
Five Island
Road.

XXVII. And the Justice of Peace, for his signing the Petition, and issuing a Summons on the same, shall and may receive from the Petitioner six Shillings lawful Money of this Island, and no more; for Proof of the Service, if made before him, three Shillings like Money, and no more; and the Constable, for each Party summoned, three Shillings like Money, upon Proof of the Service; and if any Constable shall neglect or refuse to do his Duty according to this Act, he shall forfeit any Sum not exceeding ten Pounds, lawful Money of this Island, to be assessed and laid by the Justices at their Sessions, or Justices of Oyer and Terminer, and General Gaol Delivery in this Island, upon any Indictment. Presentment, or Information, there to be found or exhibited.

XXVIII. And if any Justice of the Peace or Way-warden shall be sued or molested for any Thing done by Virtue of this Act, he or the shall and may plead the General Issue, and give this Act in Evidence in such Suit; and if the Plaintiff in such Suit be nonsuit, or discontinue his Action, or a Verdict be found against him, he shall pay treble Costs of Suit; and this Act shall be esteemed a General Act, and all Judges, Justices, and Juries are to take Notice thereof accordingly.

Dated in the Town of *St. John's* this eleventh Day of *August*, one thousand seven hundred and twenty-four, and in the eleventh Year of the Reign of our Sovereign Lord *GEORGE*, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

ASHTON WARNER, *Speaker.*

Past the Assembly this 11th }
of August, 1724. }

{ Past the Council the 11th
of August, 1724. }

WILLIAM JOHNSON,
Clerk to the Assembly.

WILLIAM SMITH,
Clerk to the Council.

15th GEO. I.

Nis. 181, 182.

A. D. 1730.

An Act for settling, confirming, and establishing, the Collection made of the Acts of Antigua, and making the same Collection, and certain Copies thereof, to be taken to be Records.

Dated 15th January, 1730.

No. 181.
OBSOLETE.
Mem. No.
180 was the last Act in the Collection, which occasioned, in placing this, an Interruption of the Order of Time.

An Act to invest certain Lands in His Majesty, His Heirs and Successors, for the Use of His Majesty's Ships of War.

No. 182.

WHEREAS pursuant to and by Virtue of an Act of this Island, bearing Date the twenty-fourth Day of December, in the Year of our Lord God one thousand seven hundred, intituled, *An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers now to be disbanded, to continue therein, by enabling them to become Settlers amongst us*; there were granted, by the Commander in Chief, Council, and Assembly of this Island, unto *Joseph Green*, ten Acres of Land, lying in the Division of *Falmouth*, in this Island, bounded to the North with the Land of *Colonel Edward Warner*, to the South with the Land formerly of *Pentecost Kerby*, but lately in the Possession of *John Blunden*, East with the Land of *Henry Nanton* and *Charles Pritchett*, deceased, and West with *English Harbour*; as by the Petition of the said *Joseph Green*, and the Grant thereon, dated the fourteenth Day of September, one thousand seven hundred and eighteen, duly recorded, may appear:

PREAMBLE.
Recites Grant of Lands to *Joseph Green*;

II. And whereas also, by Virtue of the same recited Act, there were formerly granted, in like Manner, to *William Greatrix*, other ten Acres of Land, in the Division of *Falmouth* aforesaid, being butted and bounded as follows; viz. Beginning at a Loblolly Tree, and running thence West nine Chains eighty-four Links, thence round the Point to a Loblolly Tree at the Head of the Swamp, and thence to the first Station; bounded to the East with Land now or late of *Richard Soanes*, South with the Land now or late of *William Anderton*, to the North with the Land now or late of *Pentecost Kerby*, and to the West with the Sea; as by the Petition of the said *William Greatrix*, the Grant thereon,

and to *William Greatrix*;

12th Geo. I.

No. 182.

A. D. 1725.

thereon, and the Surveyor's Return, dated the tenth Day of *March*, one thousand seven hundred and eighteen, and duly recorded, may appear :

and that said Lands, by Non-settlement and Desertion, had reinvested in the Crown; and that it had been represented by Naval Officers, that such Lands would improve *English Harbour*, if appropriated to Public Uses.

III. And whereas by Virtue of the afore-recited Act, the said two Parcels of Land are forfeited, by the Non-settlement and Desertion of the said Grantees, and are reinvested in the Crown, to the Use and Intent to be granted away again to poor Settlers in Parcels of ten Acres of Land; but inasmuch as it hath been represented to us by Captain *Francis Cooper*, Commander of His Majesty's Ship *Lynn*, and by Captain *Arthur Del Garro*, Commander of His Majesty's Ship *South-Sea Castle*, that the Harbour, called *English Harbour*, in this Island, wherein the said Ships are now careening, is a Place very commodious and proper for careening and refitting His Majesty's Ships of War, appointed for the Stations of *Barbadoes* and these Islands, and safely preserving them from the Danger of Tempests and Hurricanes, and that the before-mentioned Pieces of Land lie very conveniently for building of Wharfs, Magazines, and Stores, and will afford Brush Wood for the burning Ship's Bottoms, and furnishing Fire Wood; and that much Charge might be saved to the Crown, if the Lands aforesaid were appropriated for the Use of His Majesty's Ships of War, by preventing the Trouble of going to the Northern Colonies, as has been usual, for careening and fitting, and to preserve themselves from Tempests and Hurricanes; which was not only an Expense to the Crown; but the Trade here, during the Absence of the Ships of War, was exposed to the Dangers of Pirates in Peace, and Privateers in Time of War:

IV. All which being considered, we Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the herein before-mentioned and described two Parcels of Land, containing each ten Acres or thereabouts, shall be and are hereby vested and estated in His Majesty, His Heirs and Successors for ever, to be employed and used for careening and fitting such Ships of War belonging to the Crown of *Great Britain*, as shall from Time to Time come into the said Harbour, called *English Harbour*; any Law, Grant or Gift thereof, by the Publick heretofore made, to the contrary notwithstanding.

ACT.
Said Lands to be used for careening and fitting Ships of War.

Dated

ISLAND OF ANTIGUA.

243

12th GEO. I.

Nis. 182, 183.

A. D. 1725.

Dated in the Town of *St. John's*, this twenty-fifth Day of *September*, one thousand seven hundred and twenty-five, and in the twelfth Year of the Reign of our Sovereign Lord *GEORGE*, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

ASHTON WARNER, *Speaker*.

Past the Assembly this twenty-fifth Day of *September*, one thousand seven hundred and twenty-five.

Past the Council this twenty-fifth Day of *September*, one thousand seven hundred and twenty-five.

WILLIAM JOHNSON,
Clerk to the Assembly.

WILLIAM SMITH,
Clerk to the Council.

JOHN HART.

ANTIGUA. Published in the Town of *Saint John's*, this sixth Day of *October*, one thousand seven hundred and twenty-five.

ARTHUR DABRON, *Deputy Provost Marshal.*

An Act for explaining a certain Act of this Island, past the ninth Day of December one thousand seven hundred twenty and three, intituled, An Act for attainting several Slaves, now run away from their Masters' Service; and for the better Government of Slaves.

No. 183.
See, with this, Act of 31st Aug. 1730, (No. 186.)

WHEREAS by an Act of this Island, dated the ninth Day of December, one thousand seven hundred twenty and three, intituled, *An Act for attainting several Slaves, run-away from their Masters' Service; and for the better Government of Slaves*; it is, among other Things, enacted, That all Slaves condemned to Death for Running-away should be appraised:

RECITAL of
No. 176.

II. And whereas it has been found by Experience that such Appraisements have amounted to great Sums, and thereby encouraged too frequent and too rigorous Prosecutions:

III.

12th GEO. I.

No. 183.

A. D. 1725.

ACT.
Appraised
Compensation
for Man-Slave
condemned
for Running-
away, not to
exceed 35% ;
Woman-Slave
30% :
Except out of
ten or more,
but one be ex-
ecuted :
Such one to be
appraised to
full Value.

III. We therefore Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Sacred Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Date of this Act, in every Case where any Negro shall be condemned to Death for Running-away, no Appraisement of such condemned Negro shall exceed the Sum of thirty-five Pounds for a Man Slave, and thirty Pounds for a Woman Slave, excepting all such Slaves, who in Gangs, to the Number of ten or upwards, shall run-away, or be absent from their Master or Mistress for the Space of ten Days, then, and in such Case, any one of the said Negroes, such as the Justices shall judge the greatest Offender, being above the Age of sixteen Years, shall suffer Death as a Felon, and be appraised upon Oath, according to the Consciences of the Appraisers ; any Thing in this Act to the contrary notwithstanding.

Dated in *St. John's*, this ninth Day of *August*, in the Year of our Lord God, one thousand seven hundred and twenty-five, and in the twelfth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, King of *Great Britain, France, and Ireland*, Defender of the Faith, &c.

ASHTON WARNER, *Speaker.*

Past the Assembly this ninth
Day of *August*, one thou-
sand seven hundred and
twenty-five.

Past the Council this ninth
Day of *August*, one thou-
sand seven hundred and
twenty-five.

WILLIAM JOHNSON,
Clerk to the Assembly.

JAMES SMITH,
Deputy Clerk to the Council.

JOHN HART.

ANTIGUA. Published in the Town of *Saint John's*, this sixth Day of *October*, one thousand seven hundred and twenty-five.

ARTHUR DABRON, *Deputy Provost Marshal.*

12th GEO. I.

No. 184.

A. D. 1725.

An Act for dividing the Parish of Saint Peter in the said Island; and for erecting a new Parish, to be called the Parish of Saint George.

No. 184.
For Powers of
Parish Officers
see Act of 1st
July, 1692,
(No. 80.) and
References
ibid.

PREAMBLE.

WHEREAS the Rector, Vestrymen, and Churchwardens of the said Parish of *Saint Peter*, have, by their Petition, set forth, that the said Parish is of a very large Extent, and hath at present one Parochial Church, and a Chapel of Ease belonging thereunto, situate in remote Parts of the said Parish, and very distant from each other, for the Conveniency of such of the Parishioners dwelling near the same respectively, and that great Part of the said Parishioners have not an Opportunity of attending the Publick Worship of God oftener than one *Sunday* in three, to the great Decay of Religion; and have humbly prayed, that the said Parish might be divided, and that the said Chapel of Ease might be made a Parochial Church, and a separate Rector or Minister appointed thereto, with a suitable Maintenance for him and his Successors, and endowed in all Respects as the other Parishes in this Island:

II. And whereas the Reverend *Samuel Sanders*, Clerk, present Incumbent of the said Parish, hath, before us, personally signified and declared his Consent to the said Petition:

III. We therefore Your Majesty's most loyal, dutiful and obedient Subjects, his Excellency *John Hart*, Esquire, Captain General and Commander in Chief over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, taking the same into our Consideration, and approving thereof, do humbly pray Your Most Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all that Part or District of the said Parish of *Saint Peter*, included within the Bounds and Limits hereafter expressed, that is to say, All the Houses, Plantations, and Lands, beginning eastward in the Divison of *Old North Sound*, and including the Island commonly called *Long Island*, the Plantation, Lands, and Houses of *John Lucy*, *Blackman Bayer*, *Otto Bayer*, and *George Thomas*, Esquires, and the Plantation, Lands, and Houses of *Benjamin Nibbs*; and extending thence westward, and comprehending all the Plantations, Lands, and Houses in the Division of *New North Sound*, according to the present Limits and Bounds of the said Parish, shall be forever henceforth a distinct Parish of itself, and be called by

ACT.
The Part of
St. Peter's Pa-
rish described,
to be detached,
and form the
new Parish of
St. George.

See No. 80, S.
20.

12th GEO. I.

No. 184.

A. D. 1725.

the Name of the Parish of *Saint George*, and be divided and exempt from the said Parish of *Saint Peter*, and from all Dependencies, Offices, Charges, and Contributions for or in respect thereof, and from the Cure of the Rector or Minister of the said Parish of *St. Peter*, and their respective Successors, and also discharged of all Parochial Duties, Charges, and Taxes whatsoever, relating to the same.

Chapel of Ease
and Cemetery
near *Fitches
Creek*, to be
the new Paro-
chial Church
and Church-
yard.

Succession of
Rectors to be
incorporate.

Advowson to
belong to Cap-
tain General.

Rector to have
such Salary as
previously
usual in *St.
Peter's*, &c.

Fees, &c. as
in *St. Peter's*.

Acts No. 80;
No. 418; No.
469, &c. to be
in force in *St.
George's*.

Parish Offi-
cers' Fees as in
St. Peter's.

IV. And be it further enacted, That the said Chapel of Ease, si-
tuate near *Fitches Creek*, in the Division of *New North Sound*, in the
District aforesaid, and the Ground thereunto adjoining, inclosed and
used for a Cemetery or Churchyard, shall be the Parish Church and
Churchyard of the said Parish of *Saint George*; and the same is hereby
enacted and declared to be for ever separated and dedicated to the
Service of God, and to be applied as a Place of Publick Worship, for
the Use and Behalf of the Inhabitants from Time to Time inhabiting
and to inhabit there; and that there shall be a Rector, and a perpe-
tual Succession of Rectors, to have the Care of the Souls of the In-
habitants of the said Parish, and shall be incorporate, and shall have
Capacity and Succession, by the Name of the Rector of the Parish
of *Saint George* in the Island of *Antigua*, and are hereby enabled to
sue and be sued by that Name in all Courts and Places in the said
Island; and that the Patronage, Advowson, Donation, or Presen-
tation of and to the said Rector, shall appertain and belong to, and
is hereby vested in, the Captain General and Commander in Chief of
His Majesty's *Leeward Caribbee* Islands for the Time being.

V. And be it further enacted by the Authority aforesaid, That the
Rector of the said Parish of *Saint George*, and his Successors, shall,
and are hereby entitled to have, take, and receive, such and the like
annual Salary or Allowance as hath been usual in the said Parish of
Saint Peter, and other Parishes in this Island, to be assessed, levied,
collected, and paid, to the said Rector and his Successors, in the
same Manner, and to have and receive the like Fees, Perquisites, and
Profits, for Marriage, Burial, and Christenings, and other Ecclesias-
tical Duties, as hath been usual and customary in the said Parish of
Saint Peter; and that the Inhabitants of the said Parish of *Saint George*
shall be from Time to Time subject to the Laws and Acts of this
Island now in force, or hereafter to be made, for the Support of the
Poor, and Choice of Churchwardens, Vestrymen, Clerks, Sextons, and
such other like Parish Officers, and all other Parochial Duties whatso-
ever, with such Fees, Salaries, Perquisites, and Advantages, belonging
to them respectively within the said Parish, as the Inhabitants of
the

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No. 184.

A. D. 1725.

the said Parish of *Saint Peter*, are, or might be subject or liable to.

VI. And be it also further enacted by the Authority aforesaid, That from henceforth the Islands commonly called *Guana Island*, and *Cockran's Island*, shall be annexed to, and taken as Part of, the said Parish of *Saint Peter*. *Guana and Cockran Islands, Part of St. Peter's Parish.*

VII. And whereas by an Act of this Island, intituled, *An Act for dividing the Island into Parishes, and Maintenance of Ministers, the Poor, and erecting and repairing Churches*, dated the first Day of July, one thousand six hundred ninety and two, it is, amongst other Things, enacted and ordained, That the respective Justices of every Parish, or the next adjacent, within this Island, or any two of them, shall every Year issue out their Warrant to the Constables to summon the Freeholders of the respective Parishes together, on the first Tuesday in January, in every Year hereafter, or on any of the next following eight Days (*Sundays* excepted) for the chusing of twelve Vestrymen. RECITAL.

VIII. And whereas the Time limited in the said Act for chusing Vestrymen is already expired, be it therefore enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the Parishioners of the said Parish of *Saint George*, to chuse Vestrymen, in the Manner directed by the above recited Act, at any Time within twenty Days next after the Date of this Act; any Thing in the said above recited Act to the contrary notwithstanding: Which said Vestry, so to be chosen for the said Parish, shall continue and act as a Vestry until the first Day of January next ensuing the Date hereof, and no longer; and that then and from henceforth the said Parishioners of the said Parish of *Saint George*, shall annually proceed to a new Election of Vestrymen, according to the Time and Manner directed in and by the said above recited Act. ACT.
Parishioners of *St. George*, empowered to chuse first Vestry, according to No. 80, S. 1. in twenty Days after Act;

future Vestries annually as in No. 80, S. 1.

IX. And whereas sundry Persons, inhabiting the said Parishes of *Saint Peter* and *Saint George*, are now, at the Time of passing this Act, in Debt and Arrear, by Reason of their former Parish Taxes, be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the respective Vestries of the said Parishes, and they are hereby impowered accordingly, to appoint two Persons in each respective Parish, to collect and gather in the several Arrears due in each Parish, to be disposed in Discharge of the Debts now lying on the said Parishes: And in case any Surplus remain after such Debts paid, the same to be equally divided between the said Vestries of the said Parishes for the Use of the said Parishes respectively. Vestries of *St. Peter* and *St. George* to appoint Collectors of Arrears, to be applied in discharging their Debts before Division.

Surplus to be divided between both Parishes.

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A. D. 1725.

Proprietors of
Long, Guana,
and *Cockran's*
Islands, suffer-
ing Loss from
Public Enemy,
to be satisfied
from Treasu-
ry.

X. And be it also further enacted by the Authority aforesaid, That in case any of the Proprietors of the said respective Islands, called *Long Island, Guana Island, and Cockran's Island*, shall, at any Time after the passing this Act, suffer any Loss by the Publick Enemy in their Settlements on the said Islands, that such Loss shall be sustained and made good out of the Publick Treasury of this Island, in the same Manner as other the Inhabitants of this Island *Antigua* are intitled unto.

Dated in the Town of *Saint John's*, this tenth Day of *January*, in the Year of our Lord God one thousand seven hundred and twenty-five, and in the twelfth Year of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

ASHTON WARNER, *Speaker.*

Past the Assembly this tenth
Day of *January*, one thou-
sand seven hundred and
twenty-five.

Past the Council this tenth
Day of *January*, one thou-
sand seven hundred and
twenty-five.

WILLIAM JOHNSON,
Clerk to the Assembly.

WILLIAM SMITH,
Clerk to the Council.

JOHN HART.

ST. CHRISTOPHERS. The twenty-second of *January*, one thou-
sand seven hundred and twenty-five.

No. 185.
REPEALED
IN PART by
Act of 21st
March, 1767,
(No. 293.)
See No. 102.

An Act for laying an additional Duty upon all *Madeira Wines imported into this Island.*

WHEREAS by several Acts heretofore made in this Island, an additional Duty of twenty Shillings *per Pipe* has been laid on all *Madeira Wines* imported, over and above the perpetual Duty of forty Shillings, laid and imposed by an Act of this Island, dated the seventeenth Day of *December*, one thousand six hundred ninety and seven.

II. And forasmuch as the said Acts which laid the additional Duty have been for some Time expired; and as it is found absolutely necessary

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No. 185.

A. D. 1726.

cessary to have the said additional Duty revived and continued, by Reason of the excessive Debts this Island is now burthened with, occasioned chiefly by many dry Years it has laboured under, and the great annual Expence that we are at to protect our Trade:

III. We therefore, Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That an additional Duty of twenty Shillings in Cash *per* Pipe is hereby laid and imposed on all *Madeira* Wines, over and above the Duty of forty Shillings already laid by an Act of this Island, dated the seventeenth Day of *December*, one thousand six hundred ninety and seven; which Impost on all *Madeira* Wines, hereby imposed and laid, shall be paid, collected, and received, in the same Manner, by the same Person, and under the same Penalties and Allowances in all Respects, as the Duties laid upon *Madeira* Wines, by the said recited Act of the seventeenth of *December*, one thousand six hundred ninety and seven, are to be paid, collected, and received.

Dated in the Town of *St. John's* the tenth Day of *March*, in the Year of our Lord one thousand seven hundred twenty and six, and in the thirteenth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

ASHTON WARNER, *Speaker*.

Past the Assembly the tenth Day
of *March*, one thousand seven
hundred and twenty-six.

{ Past the Council the tenth Day
of *March*, one thousand seven
hundred and twenty-six.

WILLIAM JOHNSON,
Clerk to the Assembly.

WILLIAM SMITH,
Deputy Clerk to the Council.

JOHN HART.

ANTIGUA. Published in the Town of *Saint John's*, the first of *April*,
one thousand seven hundred and twenty-seven.

ARTHUR DABRON, *Deputy Provost Marshal*.

No. 186.

*See, with this,
Acts of 9th
Dec. 1723,
(No. 176,) S.
9. 13. 18. and
9th Aug. 1725,
(No. 183,) S. 3.*

An Act concerning the Payment, out of the Publick Treasury, for Slaves executed and to be executed in this Island for Treasons, Murders, or other Felonies.

PREAMBLE.

WHEREAS by the constant and antient Usage of this Island, all Owners of Slaves which have been condemned and executed for Treasons, or Murders, or other Felonies, have been paid out of the Publick Treasury of this Island, by Order of the Commander in Chief, Lieutenant Governor, or President of the Council, and the Council and Assembly of this Island, upon Petition duly preferred, according to the Values of such Slaves, ascertained by Appraisement; by reason whereof Persons were encouraged to bring their offending Slaves to Justice, and Concealments of such Crimes have been prevented:

II. But inasmuch as no positive Law is now extant for the Purposes before-mentioned, and Disputes may arise hereafter concerning the Premises for want of such positive Law: For Prevention therefore of such Disputes;

ACT.

III. We Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island *Antigua*, do humbly pray Your Most Sacred Majesty, that it may be declared, enacted, and ordained; and be it, and it is hereby declared, enacted, and ordained, That according to the antient and uninterrupted Usages and Customs of this Island, *all Persons who have, within four Years before the Date hereof, had any Slave or Slaves condemned and executed for Treason, Murder, or other Felony, within this Island, and duly appraised, or to be appraised as usual, and not already paid for by the Publick of this Island, are well intitled to be paid the Value or Values of such Slaves out of the Publick Treasury of this Island, according to Appraisement, upon a Petition and Order thereon, as heretofore used; so as such Value or Values, as in Cases of Running-away amounting to Felony, be not more than the Values by Law established.*

Appraised Value of Slaves hereafter condemned for Treason, Murder, or Felony, to

IV. And be it also further hereby enacted, by the Authority aforesaid, That the Value or Values of all Slaves, hereafter to be condemned for Treason, Murder, or other Felony, shall be paid out of the Publick Treasury of this Island, to the Owner or Owners, by Appraisement

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Nis. 186, 187.

A. D. 1730.

Appraisement to be made as heretofore used ; subject nevertheless to the Forfeitures of such Value or Values, in Case of not prosecuting such Criminal Slaves, in such Manner, and to such other Persons, as by Law established ; so always, as in Cases of Running-away, the Appraisement shall not exceed the Values by Law established, or to be established.

to be paid
Owners: Sub-
ject to For-
feiture, under
No. 176, S. 13.
for not prose-
cuting Slaves;
and subject to
No. 183, S. 3.
fixing a Max-
imum Value.

Dated in the Town of *Saint John's* the thirty-first Day of *August*, in the fourth Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord God one thousand seven hundred and thirty.

ASHTON WARNER, *Speaker*.

Past the Assembly this twenty-fourth Day of *August*, one thousand seven hundred and thirty.

Past the Council the thirty-first Day of *August*, one thousand seven hundred and thirty.

WILLIAM SMITH,
Clerk to the Assembly.

WILLIAM CRABB,
Clerk to the Secretary.

The same Day it was laid before the Commander in Chief in Council, and assented to.

WILLIAM CRABB, *Clerk to the Secretary.*

WILLIAM MATHEW.

An Act for appropriating certain Lands adjoining to James Fort for the Use of the Gunners and Matrosses belonging to the said Fort, and for other Publick Uses.

WHEREAS Colonel *James Vaughan*, late of the said Island, deceased, did by a certain Deed or Instrument of Writing, under his Hand and Seal, bearing Date the twelfth Day of *October*, in the Year of our Lord God one thousand six hundred and eighty, and duly recorded in the Register's Office of the said Island, grant unto His Majesty,

PREAMBLE.
Recites Grant
of Land to Co-
lonel
Vaughan;

Majesty, His Heirs and Successors, a certain Point or Promontory of Land, commonly called or known by the Name of *Saint John's Point*, containing twenty-five Acres, bounded northerly with the Land then of the said *James Vaughan*, southerly, easterly, and westerly, with the Sea and *Saint John's Harbour*:

And that
James Fort
had been built
on said Land.

II. And whereas the said Land was intended for building a Fort, and for the Support of Matrosses and others living therein, although no such Uses are declared in the said Deed; and a Fort hath accordingly been built on Part of the said Land, and now called *James Fort*; and the said Land hath been found very convenient and necessary for the Uses aforesaid:

ACT.
Said Land to be
for the Use of
said Fort, &c.
except such
Part as should
be after appli-
ed by Autho-
rity to other
Public Pur-
poses.

III. We therefore Your Majesty's most loyal, dutiful, and obedient Subjects, the Commander in Chief of all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Lands shall be, and are hereby declared to be, for the Use of the said Fort, and for the Gunners and Matrosses belonging to the same, excepting such Part thereof as shall hereafter be thought necessary to be built on, for the Enlargement of the said Fort, or for Magazines or Hospitals, or other Publick Uses, to be appointed and declared by the Commander in Chief, Council, and Assembly of this Island for the Time being.

Dated at *St. John's*, the eighth Day of *December*, one thousand seven hundred and thirty.

ASHTON WARNER, *Speaker*.

Past the Council the eighth Day
of *December*, one thousand
seven hundred and thirty.

{ Past the Assembly the eighth
Day of *December*, one thousand
seven hundred and thirty.

GEORGE FORD,
Deputy Clerk to the Council.

WILLIAM SMITH,
Clerk to the Assembly.

After which it was laid before the Commander in Chief, who was pleased to assent thereto.

WILLIAM MATHEW.

Published at the Town of *Saint John's* in *Antigua*, the twentieth Day of *January*, one thousand seven hundred and thirty.

EDWARD JESUP, *Marshal*.

5th GEO. II.

No. 188.

A. D. 1732.

An Act to repeal so much of an Act, passed in this Island, No. 188.
dated the tenth Day of March, one thousand seven See Acts of 10th
hundred and fifteen, intituled, An Act for consti- March, 1715,
tuting a Court of Chancery in this Island, and of (No. 150,) and 15th Sept.
any other Law or Act now in Force in this Island of 1801, (No. 557.)
Antigua, as restrains the Power of His Majesty, His
Heirs or Successors, from appointing a Person to pre-
side in the said Court of Chancery.

WHEREAS by the said recited Act, it is, among other Things, PREAMBLE.
 enacted; that from and after the Date of the said Act, all and every By Act, No.
 the Court or Courts of Chancery, which shall be holden for the said 150, Com-
 Island, should consist of, and be holden by, the Captain General or mander in
 Governor in Chief of the said *Leeward* Islands for the Time being, Chief's Pre-
 and five or more of the Council of this Island of *Antigua*; provided sence necessa-
 that where any Counsellor or Counsellors should be Party or Parties ry to hold
 in any Cause in the said Court of Chancery, then the said Court of Court of
 Chancery might be held by such Commander in Chief and three of Chancery;
 such Counsellors, or to that Effect: which is pro-
ductive of De-
lay.

II. And whereas it has been found the Cause of great Delay that the Commander in Chief's Presence is made necessary for holding the said Court of Chancery;

III. We therefore Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That so much of the above recited Act, and of any other Act or Law of the said Island of *Antigua* now in Force, as restrains the Power of the King, His Heirs and Successors, from appointing who shall preside in the Court of Chancery, held for the said Island of *Antigua*, shall be repealed and made void; and the same is hereby repealed and made void accordingly. Act.
So much of
No. 150 as re-
strains the
King from ap-
pointing a Per-
son to preside
in Chancery,
repealed.

IV. Provided always, That the said recited Act shall, in all other Respects, continue in full Force; any Thing herein contained notwithstanding. No. 150 in
other respects
confirmed.

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Nis. 188, 189.

A. D. 1732.

Dated at the Town of *Saint John's*, this nineteenth Day of *May*, in the Year of our Lord God one thousand seven hundred and thirty-two, and in the fifth Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

ASHTON WARNER, *Speaker*.

Past the Assembly this nineteenth Day of *May*, one thousand seven hundred and thirty-two.

Past the Council this nineteenth Day of *May*, one thousand seven hundred and thirty-two.

WILLIAM SMITH,
Clerk to the Assembly.

WAVLL. SMITH,
Secretary.

NEVIS. Assented to by the Commander in Chief the ninth Day of *June*, one thousand seven hundred and thirty-two.

MICHAEL SMITH.

No. 189.

FOR LAWS REGARDING
FORTIFICATIONS AND
HARBOUR-
WORKS; See,
with this, principally, Acts of
28th June,
1704, (No.
134,) and 15th
March, 1705,
(No. 138.)

PREAMBLE.

An Act for building a Platform and Cisterns or Reservoirs of Water at English Harbour in this Island, for the Use of His Majesty's Ships of War.

WHEREAS *English Harbour*, in this Island, is by Nature a Port of the utmost Safety and Security for His Majesty's Ships against violent Storms and Tempests, and at the same Time a most convenient and commodious Place for refitting and cleaning any Number of Ships that His Majesty may think fit to send to these His *American* Plantations, either for the protecting them, or annoying His Enemies in these Parts; the which being taken into Consideration by the Legislature of this Island, they, out of Duty to His Majesty and
Regard

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Regard to their Country, have, at very great Charge and Expence to the Publick of this Island, caused a Wharf to be built at the said Harbour for the Use of His Majesty's Ships, and erected a Fort at the Entrance of the Harbour to defend the same; of which His Majesty in His great Wisdom hath already so far approved, that He has, at His own Charge, been graciously pleased to cause Storehouses to be built there, and withal to supply us with Cannon, and several Stores of War, for the Use of the said Fort: For which, as well as the rest of His tender and paternal Care of us His distant and remote Subjects, we the Governor in Chief of these His *Leeward Caribbee* Islands in *America*, and the Council and Assembly of *Antigua* (with Hearts of unshaken Duty and Loyalty) do humbly beg Leave to return our most unfeigned and hearty Thanks:

II. And to the End that nothing on our Parts may be wanting which may tend to render the said Harbour compleatly convenient, for the good Purposes aforesaid, we His Majesty's most dutiful and loyal Subjects, the Governor in Chief of His aforesaid *Leeward Caribbee* Islands, and the Council and Assembly of *Antigua*, do humbly pray His Most Sacred Majesty, that it may be enacted; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That there shall be forthwith erected and built, at the aforesaid Port of *English Harbour*, two good Cisterns or Reservoirs for Water, of forty Feet in Length, ten in Breadth, and ten in Depth, in the Clear and within the Walls, and to be arched with Brick, as also a good and convenient Platform, of one hundred Feet Square, for conveying Water into them; and that the same shall be vested in His Majesty, His Heirs and Successors for ever, in order to furnish His Ships of War with good and wholesome Water; and to no other Use, Intent, or Purpose whatsoever.

ACT.
Two Cisterns
and Platform
to be erected
at *English*
Harbour, of
Dimensions in
Clause.

III. And to the End that the said Cisterns and Platform may be built and furnished with the utmost Expedition, be it enacted and ordained by the Authority aforesaid, That every Person who is Owner or Possessor, in his or her own Right, or in the Right of any other Person whatsoever, of any Slaves, young or old, in this Island, or in the Islands adjacent and thereunto belonging, shall, on the first *Monday* after the Publication of this Act, send, or cause to be sent, to the aforesaid Port of *English Harbour*, one able Negro Man out of every one hundred Slaves, young or old, with a Hoe and a Basket, that he or she shall so own or possess, and so in Proportion for a greater or lesser Number; there to remain and continue in building and carrying on the said Cisterns and Platform, until they are compleatly finished.

Owners, on
Day mention-
ed, out of
every 100
Slaves, to send
one able Slave
to work on
Cisterns, &c.

Commissioner
of said Works,
at 12s. per
Day Salary.

On Commis-
sioner's Death,
Successor to
be named by
Committee
created in S.
7.

Negroes to be
sent exactly,
as to Propor-
tion and
Time.

Treasurer to
give Commis-
sioner Mate-
rials for alpha-
betical List of
Negroes and
Owners.

On six Days'
Arrear, levy
of 6s. per Day
for each Ne-
gro omitted
to be sent.

For want of
Distress, Of-
fender com-
mitted till
Payment.
Marshal's
Fees.

IV. And inasmuch as it is necessary to have some Person of Pro-
bity and Diligence constantly to attend and see the said Work carried
on, and to keep a due and exact Account of the Number of Negroes
that are sent thither, to the End the Defaulters may be punished,
and others duly paid for the Labour of their Slaves, be it enacted,
That *Charles Alexander* of this Island, Gentleman, shall be a Com-
missioner for that Purpose; and that, for his Labour and Trouble
therein, he shall have an Allowance of twelve Shillings *per Diem*,
current Money of this Island, for each Day he shall make Oath
before the Committee, or one of them, of his having attended the said
Work, to be paid him out of the Publick Treasury of the same,
without any further Act or Order, excepting a Certificate of his
having made the said Oath: And in case of his Death or Absence,
such other Person shall be appointed as shall be agreed on by the
Committee hereinafter-mentioned, or any three of them, and shall have
the same Allowance that his Predecessor had; and as often as any
Vacancy of that Nature shall happen, the same shall be supplied in
like Manner, and with the same Allowance, until the said Work is
actually compleated and finished.

V. And for the more regular carrying on of the same, be it enacted,
That every Person shall send his or her respective Proportion of
Negroes, to compleat his or her Work, as the same becomes due,
without being allowed to send more at a Time than he or she ought
to do, on Pain of not having any Allowance for the same from the
Publick, unless it be to compleat a broken Proportion of the Number
that may be due from them.

VI. And to the End that the Commissioner may know what
Number each Person ought to send, be it enacted, That the Trea-
surer shall forthwith give him a List of all the Negroes sworn to by
Virtue of the last Tax Act, together with the Names of the Owners,
from whence the said Commissioner is to make an alphabetical List;
and whenever he finds any Person in Arrear for the Space of six
working Days, he is to certify the same to the Committee herein
after-mentioned, who are thereupon to issue a Warrant to the Provost
Marshal of this Island, commanding him to levy on the Goods and
Chattels of the Offender for the Sum of six Shillings *per Diem* for
each Negro that shall be omitted to be sent; and for want of
Distress, to commit the Offender to Gaol, until he or she pay the said
Forfeiture; and that for all Money which the Marshal shall so levy,
he shall take and receive to himself ten *per Cent.* out of the Goods
and Chattels of the Defaulter, over and besides the Forfeiture, to-
gether

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No. 189.

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ther with the usual Fees of Commitment, Imprisonment, and Release, where the Party happens to be committed; but if raised or paid without Commitment, then only the aforesaid ten *per Cent.* for his Trouble of Levying; the which Forfeiture the said Marshal, as soon as he receives the same, is to pay to the Treasurer of this Island; of which, as well as the Charge and Expence that may attend the building of the said Cisterns and Platform, the said Treasurer is hereby required to keep a particular Account, and to apply the said Fines and Forfeitures to the building of the said Cisterns and Platform, and to no other Use or Purpose whatsoever.

Account of
Forfeitures by
Treasurer;

Application.

Committee
constituted.Committee's
Office, &c.Committee
empowered to
hire two
White Over-
seers.Overseers'
Office and
Salary.

VII. And whereas it is at present somewhat difficult to contrive what Method will be best to be taken for purchasing of Necessaries and Materials for building the said Cisterns and Platform, be it therefore enacted and ordained, by the Authority aforesaid, That *Thomas Kirby, John Burke, Jacob Thibou, Richard Oliver, and Edward Chester*, of this Island, Esquires, or in case of their Death or Absence, such other Members of the Assembly of *Antigua* as shall be named in their Steads by the Speaker, shall be a standing Committee for viewing and inspecting the said Work, hiring or impressing Workmen, purchasing of Necessaries, taking up of Land proper and convenient for the said Cisterns and Platform, and doing every Thing else that may be requisite and convenient for the compleating and finishing the said Work, and to issue all necessary Orders and Directions to be followed by the said Commissioner and the Overseers hereafter mentioned; and that an Order to the Treasurer, under the Hands of them, or any three of them, for buying any Thing necessary for carrying on the same Work, or for Payment of the Workmen, Land, or Necessaries so bought or taken up for the Use of the said Cisterns and Platform, shall be a sufficient Authority to the Treasurer for the same; and he is hereby required duly to answer and discharge the said Orders out of the Publick Treasury of this Island.

VIII. And be it further enacted and ordained, by the Authority aforesaid, That the said Committee, or any three of them, shall have Power to hire any Number of White Overseers, not exceeding two, to be employed under the aforesaid Commissioner, in order to see the said Works carried on, and to give them such Allowance for their Trouble therein as they shall think convenient, not exceeding six Shillings each *per Diem*, to be paid out of the Publick Treasury of this Island, by an Order under the Hands of them, or any three of them, the which the said Treasurer is hereby also required duly to

Committee
may displace
Overseers for
others.

Committee to
select Mate-
rials.

18d. per Day
for every Man
Slave sent to
Work, to be
credited in
Public Ac-
counts to
Owners.

Commissioner
to send weekly
List of Ne-
groes to
Chairman of
Committee.

Commissioner
misbehaving
liable to be
removed;

and to 50%
Penalty for
Neglect of re-
turning week-
ly List.

On Dispute
respecting Va-
lue of Land,
Committee to
direct Ap-
praisement.

to pay and discharge; and to remove or displace any such White Overseers, and others to put in their Steads, as often as shall be necessary.

IX. And be it further enacted, That the said Committee, or any three of them, shall have Power to cause the said Cisterns and Platform to be built with good Mortar and Stone, and lined with Brick, or otherwise finished with such Materials as they think will render them good and serviceable, and most speedily compleat them.

X. And to the End that the Charges accruing for building them may be equally borne by the Inhabitants of this Island, it is hereby enacted, There shall be an Allowance of Eighteen-pence *per Diem*, out of the Publick Treasury of this Island, for every Man Slave that shall be sent to the said Work; for which Sum the Treasurer is hereby required to give Credit to the Owners in their Publick Accounts, according to the List that shall be returned to him by the Commissioner for the Time being.

XI. And in order to prevent any Damage that may happen to the Inhabitants, for want of a due Return of their Negroes' Labour, it is hereby enacted, That the said Commissioner shall make and sign a weekly List of the Number of Slaves that are sent to the said Work, and the same to deliver to the Chairman of the above Committee, who is to keep the same in his Custody until the Work is compleated; and when it is so done, he is to deliver them again to the Commissioner then in being, from whence he is to make a general List of the whole Labour, and to sign and return the same to the Treasurer for the Time being, upon Oath before the said Treasurer, to the End that he may give Credit for the same in the Manner above directed; and if any Commissioner shall neglect or refuse to do what is hereby enjoined him, or otherwise misbehave, to the Dissatisfaction of the said Committee, he shall be removed from his Office by the said Committee, or any three of them, and another to be appointed by the said Committee, or any three of them, under the same Allowances, Penalties, and Restrictions, and forfeit the Sum of fifty Pounds, current and lawful Money of this Island, for every Neglect of returning such weekly List or general List to the Treasurer: And in case any Dispute shall arise about the Value of Land to be taken up for building of the aforesaid Cisterns and Platform, the said Committee, or any three of them, by Warrant under their Hands and Seals, directed to three indifferent Persons, shall cause the said Land to be valued upon Oath, which shall be administered to them by the said Committee, or one of them; and after the Appraisers

7th GEO. II.

No. 189.

A. D. 1733.

Appraisers have made their Appraisement, the said Committee, or three of them, shall give an Order to the Treasurer for Payment thereof; and then the said Land shall vest in His Majesty, His Heirs, and Successors for ever, for the Use and Purposes aforesaid.

XII. And to the End it may always be known what Quantity of Land is taken up for the said Use, and from whom, the said Committee, or three of them at least, are hereby required to give a Certificate thereof under their Hands to the Register of this Island, the which he is to enter and record in his Office amongst the Records relating to Lands; for doing of which he shall have and receive, out of the Publick Treasury of this Island, the Sum of fourteen Shillings, current and lawful Money of this Island, to be paid him by the Treasurer of the same, without any further Act or Order.

Committee to certify to Register Quantity of Land taken up, and from whom.

Register's Fee.

XIII. And be it further enacted and ordained, by the Authority aforesaid, That if any Person shall neglect or refuse to serve as an Appraiser, he shall forfeit the Sum of twenty Pounds, current and lawful Money of this Island; and that this and all other Forfeitures mentioned in this Act, and not particularly directed how to be recovered and applied, shall be recovered in the same Manner, and appropriated to the same Uses, that are directed for Forfeitures arising from Persons who neglect or refuse to send their Slaves for performing the Work required by this Act.

Penalty of 20*l*. on refusing to appraise.

Levy and Application as in s. 6.

XIV. And be it further enacted, That the Commissioner shall return a Certificate weekly to each Owner, by one of his Negroes, of the Number of Days his Negroes have worked that Week; and that in case any Negro shall die, or be maimed, or rendered useless, the Loss shall be made up by the Publick, according to what he shall appear to be worth, by the Oath of any two indifferent Persons that knew the said Slave; the which shall be administered by the said Committee, or any three of them, and they to give a Certificate to the Treasurer for Payment thereof.

Commissioners to certify Time of Negroes' Work to Owners.

Compensation for Negro dying or maimed.

Dated in the Town of *St. John's* this eighth Day of *February*, one thousand seven hundred thirty and three, and in the seventh Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

WILLIAM MATHEW.

ASHTON WARNER, *Speaker*.

Past

THE LAWS OF THE

7th GEO. II.

Nis. 189, 190.

A. D. 1733.

Past the Assembly this eighth
Day of *February*, one thou-
sand seven hundred and
thirty-three.

Past the Council this eighth
Day of *February*, one thou-
sand seven hundred and
thirty-three.

WILLIAM SMITH,
Clerk to the Assembly.

PATRICK WILSON,
Deputy Secretary.

Published in the Town of *St. John's*, this fifth Day of *March* one
thousand seven hundred and thirty-three.

GEORGE FORD, *Deputy Provost Marshal.*

No. 190.
SUPERSEDED
by the Proceed-
ings of a
Council of War
annexed to Act
of 30th March,
1793, (No.
485.)

*An Act for the further Regulating the Militia of this
Island.*

WHEREAS by an Act, intituled, *An Act for Regulating the Militia of this Island*, dated the twenty-eighth Day of *June* one thousand seven hundred and two, in the thirteenth Year of the Reign of King *William* of glorious Memory, it is enacted, That every Man, from the Age of fourteen Years to sixty-five, shall serve in the Militia of this Island; and that every Foot Soldier shall appear with a Firelock well fitted at the ordinary Times of Exercising (which shall be once a Month) under the Penalty of six Shillings:

II. And whereas no Provision is made by the said Act for a Foot Soldier's appearing with a Bayonet, which, from Experience in the late Wars in *Flanders*, is a very useful and approved Weapon, and is become the more necessary for our Defence, as the Militia of our neighbouring *French* Islands are so armed;

III. We Your Majesty's most dutiful and loyal Subjects the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island of *Antigua*, humbly pray Your Most Sacred Majesty, that it may be enacted, and be it, and it is hereby enacted, by the Authority of the same, That every Foot Soldier shall, within eight Months after the Date of this Act, appear, at the several Times, and on the several Occasions directed by the before recited Act, with a Bayonet well fitted to his Firelock, and a Cartridge Box sufficient to contain at least eighteen Cartridges, under the Penalty of six Shillings, current Money

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No. 190.

A. D. 1734.

Money of this Island, for every Default; to be levied and applied as directed by the said Act.

IV. And whereas by a general Act, dated at the Island of *Nevis*, on the sixth Day of *December* one thousand seven hundred and one, it is provided, that supernumerary Arms shall be found, in Proportion to every Person's Negroes within these His Majesty's *Leeward Caribbee* Islands in *America*, be it, and it is hereby enacted, by the Authority aforesaid, That every Person in this Island, so obliged by Virtue of the said Act to find supernumerary Arms, shall within eight Months after the Date of this Act, find a Bayonet well fitted to each Fire-lock, and a Cartridge Box sufficient to contain at least eighteen Cartridges, under the Penalty and Forfeiture appointed by the said Act for not finding supernumerary Arms; to be recovered and applied as therein directed.

*The Act of the
Leeward
Islands recited
(No. 24) is
obsolete.*

Dated in the Town of *St. John*, this eighth Day of *April*, Anno Domini one thousand seven hundred thirty and four, and in the seventh Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

THOMAS KERBY, *Speaker, p. Temp.*

Past the Assembly this fifteenth
Day of *March*, one thousand
seven hundred thirty and
four.

Past the Council this eighth
Day of *April*, one thou-
sand seven hundred and
thirty-four.

WILLIAM SMITH,
Clerk to the Assembly.

PATRICK WILSON,
Deputy Secretary.

Council Chamber, *April* 1st, 1734. This Act was laid before his Excellency the Captain General, who was pleased to assent thereto.

PATRICK WILSON, *Deputy Secretary.*

WILLIAM MATHEW.

Published in the Town of *St. John*, the twentieth Day of *April*, one thousand seven hundred and thirty-four.

No. 191. *An Act to reduce and settle the Rate of Interest within this Island.*

PREAMBLE.

WHEREAS the Rate of Interest is not settled within this Island by any Law of this Island, nor are the Statutes of *Great Britain*, made for reducing or settling Interest, or preventing excessive Usury within that Kingdom, accepted or deemed of Force within this Island; but the usual and allowed Interest has been commonly within this Island at the Rate of *Ten per Centum per Annum*, which, though it might be tolerable when this Island first began to be settled, and for many Years after, while the Lands were fertile, and the merchantable Commodities of the Growth thereof bore greater Prices than they now do; yet Experience daily shews, that as our Lands are impoverished, and our Produce much declined in Value, the high Rate of *Ten per Centum per Annum* for Interest is not supportable, nor to be answered by the Produce of our Lands, which encourages Usury, and utterly discourages the Cultivation and Improvement of Land, by which Means the Revenue of the Crown has been and will be lessened; and so great indeed are the Profits and Advantages arising from this Rate of Interest, that Persons decline employing their Money in Trade, and rather put it out to Use, and that generally upon Land Security; so that great Tracts of Land, which heretofore supported many Inhabitants, are now ingrossed into much fewer Hands, have been sold at great Undervalues, and our Island is weakened by the Desertion of many of its Inhabitants, who have been sunk under the Oppression of exorbitant Interest; and it is a Misfortune too visible amongst us, that where many creditable Families have subsisted, now only an Overseer or Servant is to be found; so that we are not only weakened with respect to the Number of White Inhabitants, but of those who have left many of their Livelihoods depending upon the Wills of their Employers; without a landed Interest of their own, they are not under the same Ties to engage in the Defence of our Country as those who have fixed Estates in Lands: All which Evils, and many others this Island now labours under (chiefly from the Cause of exorbitant Interest) are daily growing upon us, and will be, in the End, the unsettling and dispeopling of it:

II. To the End therefore that Planting and Agriculture, Trade and Commerce, Labour and Industry may be encouraged, and the Growth and ill Consequences of excessive Usury be prevented, and that we may, as agreeable to our Circumstances, follow the Steps of

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No. 191.

A. D. 1738.

our Mother Country, whose Lands are become valuable, and whose Trade is encouraged by a Reduction of their Interest by Law to Five *per Cent*.

III. We Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief for the Time being of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Sacred Majesty, that it may be enacted and ordained; and be it enacted, and it is hereby enacted and ordained, by the Authority aforesaid, That no Person or Persons whatsoever, from and after the first Day of *October*, which shall be in the Year of our Lord one thousand seven hundred thirty and eight, upon any Contract which shall be made from and after the first same Day of *October* in the last-mentioned Year, take, directly or indirectly, for Loan of any Money, Wares, Merchandizes, or other Commodities whatsoever, above the Value of six Pounds for the Forbearance of one hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for Payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of six Pounds in the hundred as aforesaid, shall be utterly void; and that all and every Person or Persons whatsoever which shall, after the Time aforesaid, upon any Contract, to be made after the said first Day of *October*, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Chevizance, Shift, or Interest of any Wares, Merchandizes, or other Thing or Things whatsoever, or by any deceitful Way or Means, or by any Coin, Engine, or deceitful Conveyance, for the forbearing or giving Day of Payment for one whole Year, of and for their Money or other Thing above the Sum of six Pounds, for the forbearing of one hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose, for every such Offence, the treble Value of the Monies, Wares, Merchandizes, and other Things, so lent, bargained, exchanged, or shifted.

IV. And be it further exacted, by the Authority aforesaid, That all and every Scrivener and Scriveners, Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of Bargains for Contracts, who shall, after the said first Day of *October*, take or receive, directly or indirectly, any Sum or Sums of Money, or other Reward or Thing, for Brokerage, soliciting, driving, or procuring the Loan or forbear-

Act.
After 1st Oct.
1738, no Per-
son to take
higher Interest
than 6l. *per*
Cent.

If higher In-
terest reserv-
ed, Securities
void.

Persons taking
higher Inte-
rest, to forfeit
treble Value of
Monies lent.

Solicitors tak-
ing above 5s.
per Cent.
Brokerage for
negotiating
Loans, &c.

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to forfeit 30l.
with Costs,
and suffer
half Year's
Imprison-
ment.

Forfeitures to
go, Half to
Prosecutor,
and Half to
Treasury to-
wards Fortifi-
cations.

Recoverable
by Action or
Information.

No dilatory
Plea.

No. 173 is ex-
pired.

See Act of
21st Jan. 1791,
(No. 475,)
S. 31.

Limitation of
Actions for
Penalties in
S. 3. and 4.

ing of any Sum or Sums of Money, over and above the Rate or Value of five Shillings, for the Loan or forbearing of one hundred Pounds for a Year, and so rateably; or above three Shillings, current Money of this Island, for making or renewing of the Bond or Bill for Loan or forbearing thereof, or for any Counter-bond or Bill concerning the same, shall forfeit, for every such Offence, thirty Pounds, current Money of this Island, with Costs of Suit, and suffer Imprisonment for Half a Year; and one Moiety of all the aforesaid Forfeitures to be to the Prosecutor, the other to the King's Most Excellent Majesty, His Heirs and Successors, to be paid into the Hands of the Treasurer of this Island for the Time being, to be employed towards building and repairing the Forts and Fortifications of this Island; to be recovered in the Court of King's Bench and Common Pleas or Exchequer, to be held for this Island, or before Justices of the Peace in their Sessions, or before Justices of Oyer and Terminer, or Justices of Gaol Delivery within this Island, by Action of Debt, Bill, Plaint, or Information; in which no Essoign, Wager of Law, or Protection shall be allowed.

V. *Provided always, That Nothing in this Act contained shall be construed or extended to repeal or make void a Clause in a certain Act of this Island, intituled, An Act for establishing a Court of King's Bench, Common Pleas, and Errors, for the better regulating and settling due Methods for the Administration of Justice, and limiting a Time for issuing Execution out of the Court of Chancery in this Island, dated the twentieth Day of February, one thousand seven hundred and twenty-one, by which it is enacted, that where any Bill or Bills of Exchange hath been or shall be returned, legally protested in Great Britain or elsewhere, to the Prejudice of any Merchant, Trader, or other Persons in this Island, it shall and may be lawful to and for any Person, so aggrieved or damaged thereby, to commence any Action upon the Case against the Drawer or Indorser of such Bill or Bills of Exchange; and shall recover upon such Action Interest of ten Pounds per Centum per Annum on the same, besides the Principal Money, and also Damages, after the Rate of ten Pounds per Centum, the Interest to be computed from the Day of the Protest of the said Bill until the same shall be recovered or satisfied; but the same Clause to continue in Force as long as the Act wherein it is contained shall remain of Force.*

VI. *Provided always, That all and every Bill, Plaints, or Informations, which shall hereafter be sued, commenced, or brought, for or by Means of the Forfeiture of treble Value, or of the Penalty of thirty Pounds aforesaid, given by this Act against any Person or Persons,*

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Persons, the same Bill, Plaint, or Information shall be commenced and prosecuted by the Person or Persons who will sue or prosecute for the same within one Year next after the Offence committed, and not after; and in Default of such Pursuit, that then the same shall be had, sued, exhibited, or brought for the King's Majesty, His Heirs or Successors, at any Time within two Years after that Year ended, and not after; and in such last Case, the whole Penalties recovered to be paid into the Hands of the Treasurer of this Island for the Time being, to be applied to the building and repairing the Forts and Fortifications of this Island, and other publick Uses of this Island.

Private Person to sue in one Year after Offence.

King to sue in two Years after one Year ended.

In last Case, whole Penalty to go to Public Treasury.

VII. Provided also, That Nothing in this Act contained shall extend, or be construed to extend, to reduce or lessen the Interest payable on any Legacy or Legacies which is, are, or shall be borne due before the first Day of *October* next; but all Persons to whom such Legacy or Legacies is, are, or shall be due, shall and may receive and take Interest thereon, as though this Act had never been made; any Thing therein contained to the contrary notwithstanding; or any way to affect any Bill, Bond, Contract, or Assurance whatsoever, which is or shall be made before the said first Day of *October*.

Act not to operate till 1st Oct. 1738.

Dated in the Town of *St. John*, this first Day of *June* one thousand seven hundred thirty and eight, and in the eleventh Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker*.

Past the Assembly this thirteenth Day of *May*, one thousand seven hundred thirty and eight.

Past the Council this first Day of *June*, one thousand seven hundred thirty and eight.

WILLIAM SMITH,

Clerk to the Assembly.

DE LA COURT WALSH,

Dep. Secretary.

Past by the Chief Governor, this first Day of *June* one thousand seven hundred thirty and eight.

WILLIAM MATHEW.

An

12th Geo. II.

Nis. 192, 193.

A. D. 1739.

No. 192.
OBSOLETE.

An Act for making free two Negro Men Slaves, named Cuffee and Robin, and appointing each of them a Reward, to be paid out of the Publick Treasury of Antigua, for their good and faithful Services, in first discovering the late horrid intended Insurrection of the Slaves of this Island, and for paying the Values of the said Cuffee and Robin to their respective Owners; and for appointing a Reward for Manuel, another Negro Man Slave, for his good and faithful Services in the further Discovery of the same horrid intended Insurrection.

Dated 24th May, 1739.

No. 193. *An Act for amending a certain Act of this Island, intituled An Act for regulating Trespasses.*

PREAMBLE.

No. 97.
defective.

WHEREAS a certain Act was passed in this Island *Antigua*, intituled, *An Act for regulating Trespasses*, dated the first Day of *September*, one thousand six hundred ninety and seven, which stands confirmed by Royal Authority, which has proved a good and useful Act; but is found deficient in some Respects, more particularly for that the Pounds, thereby directed and required to be built, were to be built within two Months after the Date of the same Act; so that either such Pounds never were built in due Time, or if they were duly built, the same are now gone to Ruin, and little or no Appearance thereof left, nor is any Provision made for repairing or rebuilding the same; and it is thought to be more than necessary to have a Publick Pound in each Division, and that two Publick Pounds in *Saint John's* Parish, and one in every other Parish, will be sufficient;

II. Therefore, for amending the said Act, and rendering the Intent of it more effectual, We Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this

Your

13th GEO. II.

No. 193.

A. D. 1740.

Your Majesty's Island *Antigua*, do humbly pray Your Most Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That where in any Parish of this Island, there is not a sufficient Publick Pound now standing, that in every such Parish, except the Parish of *Saint John*, there shall, as soon as Conveniency will admit, be erected and built one sufficient Publick Pound; and in the said Parish of *Saint John* there shall be built two sufficient Publick Pounds; each and every of which said Publick Pounds shall be built twenty Feet square, of Stone and Lime, in the Clear, and the Wall to be at least six Feet high, and two Feet thick, with a substantial Door of Plank with a strong Lock and Key; and that the same Publick Pounds so to be built, shall be built as near as conveniently may be, to the Centre of each respective Parish, except *Saint John's* Parish, and in that Parish to be in the most convenient Places, and close adjoining to some Common Highway, upon the Land of any Person or Persons as shall be thought proper for that Purpose, but not to be set so near any Person's Dwelling-house as ten Chains; and the same Publick Pounds, so hereby directed to be built, shall be built by the Authority and Direction of one Justice of the Peace for the Time being, residing in the respective Parishes where each Pound shall stand, upon such Land in each Parish as each such Justice respectively, with the Advice of two or more of the Freeholders of each such Parish, shall appoint for such Purpose; which Freeholders the said Justices respectively are hereby authorized to call for that End to their Assistance.

III. And be it also, and it is hereby enacted, by the Authority aforesaid, That the said Justices of the Peace alone, each in his proper Parish, shall, at all Times hereafter, have Power to repair, or, if Occasion, to rebuild, any such Pound as hath been built by Virtue of the said recited Act, or that shall be built by Virtue of this Act, not exceeding one such Pound in any one Parish, except in *Saint John's* Parish, and not exceeding two such Pounds in *Saint John's* Parish, as often as there shall be Occasion; and also, if Occasion, for all and every the said Purposes, to hire, or impress, or agree with and for Workmen, Artificers, Labourers, Slaves, Carts, Cattle, and all necessary Materials.

IV. And be it and it is enacted, by the Authority aforesaid, That the Value and Amount of all such the said Lands, so to be taken up, and the Value and Amount of all Earnings, Labour, Hire, Work, and Materials, shall be paid for out of the Publick Treasury of this Island, upon Certificate under the Hand of the Justice residing in each respective

Act.
A Public
Pound to be
built in every
Parish without
Pound, and
two in *St.*
John's Parish,
of Dimensions
and Materials
in Clause.

Justices au-
thorized to re-
pair or rebuild
Pounds, not
exceeding one
in Parishes ge-
nerally, and
two in *St.*
John's;

to hire Work-
men, &c.

Compensation
for Lands, La-
bour, &c. on
Justice's Certi-
ficate, to be
paid by Trea-
surer.

respective Parish where the Work shall be done, and who ordered or directed and agreed for the same; And in case of the Death of such Justice, then upon the Certificate of any other Justice of the Peace residing in the same Parish for the Time being, who is to enquire into and settle the same, and then to certify it, and the Lands so to be taken up to be appraised, as by the said recited Act directed, in Case of Lands which might have been taken up for building Pounds, thereby intended to be built; and such Payments to be made by the Treasurer of this Island for the Time being accordingly, without further Order or Direction.

Persons employed on Public Pounds may take Stones from the Surface of the Earth;

except Stones from Quarries, or where Canes not six Months old:

to fetch such Stones by Slaves, not Carts.

Compensation for Damage as in S. 4.

Vestries to chuse Pound-keepers.

Entry in Book. Certificate from Churchwardens, Warrant to act.

Pound-keeper dying, Executor or Constable to act till new Nomination.

Clerk's Fee.

V. And be it and it is hereby further enacted, by the Authority aforesaid, That it shall be lawful for the Persons employed from Time to Time in the building, rebuilding, or repairing all or any the Publick Pounds aforesaid, built or to be built, to take any Stones lying or appearing on the Surface of the Earth, in any Plantation or Plantations contiguous or near to the respective Places of Situation of the said Pounds, except such Stones as shall be in a Quarry, or shall have been raised out of a Quarry, or as shall be in Plant Canes, or Rattoon Canes, where such Rattoons shall be then six Months old, and to use and employ the same about such Publick Pounds, either in building, repairing, or rebuilding thereof, and to send Slaves, but not Carts, upon the Owner's Soil to fetch the same Stones for the same Purpose; and if any Person shall believe himself or herself damaged by fetching such Stones, the Damage shall be ascertained, certified, and paid for as aforesaid, in case of valuing and paying for Lands to be taken up for such Publick Pounds.

VI. And forasmuch as no Method is appointed, by the said recited Act or otherwise, for chusing and naming Pound-keepers for the said Publick Pounds, be it, and it is hereby enacted by the Authority aforesaid, That the same Pound-keepers shall be named by the Majority of Votes of the Vestry of the respective Parishes each such Pound is or shall be erected in, and an Entry of such Election to be made in the Parish Book; and a Certificate thereof, to be signed by one or both of the Churchwardens, or by the Clerk of each respective Parish, shall be sufficient Warrant to act; and when any such Pound-keeper shall die, his Executors or Administrators, or either of them, or in Default of such, any Constable of the Division, shall act as and be Pound-keeper respectively, till a new Nomination, and Certificate thereof as aforesaid; and the Clerk of the Parish, if there be one, or else the Churchwardens, shall be intitled to Eighteen-pence, current Money of this Island, and no more, for the Certificate of such Nomination;

13th GEO. II.

No. 193.

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Nomination; which is to be immediately made out and delivered, after such Nomination, to the Person nominated in each Parish.

VII. And whereas by the said recited Act Hogs and Goats are excepted; so that Persons killing, wounding, or destroying the same in Trespass, are not made thereby liable to double Damages, as in Cases of other Beasts; yet such Persons are not indemnified for killing, wounding, or destroying Hogs and Goats trespassing; be it therefore, and it is hereby enacted by the Authority aforesaid, That it shall be lawful for all Persons, Possessors of Lands either in Town or Country within this Island, and for their respective Servants or Slaves, to kill any Hogs or Goats trespassing upon their Land; and if any Hogs or Goats shall be killed or disabled while trespassing, the Owner may have the same, if fetched away in two Hours after such killing or wounding; and if not fetched away within that Time, the same may be taken by any Person, free or Slaves, and shall be the absolute Property of the Taker; and no Action, Suit, Presentment, Indictment, Information, or Prosecution, shall lie for killing, wounding, or destroying any Hog or Goat so trespassing; and if any Person shall be prosecuted in any Action for any such killing, wounding, or destroying any such trespassing Hog or Goat, such Person may plead the general Issue, and give this Act in Evidence, together with the killing, wounding, or destroying in Trespass; and upon Proof thereof, the Jury shall find for the Defendant, and a Minute shall be made on the Record, that the Hogs or Goats in the Suit prosecuted for were killed, wounded, or destroyed in Trespass; and thereupon the Defendant shall have double Costs of Suit, taxed and allowed; and if prosecuted by Presentment, Indictment, or Information, such Proof of killing, wounding, or destroying such Hogs or Goats in Trespass, shall be sufficient to acquit the Defendant, and the Jury shall find the Defendant accordingly not guilty.

VIII. And be it and it is further enacted, by the Authority aforesaid, That if any Person, who shall by Trespass of Beasts be damaged, shall not be minded to accept Goods of the Trespasser by Appraisement, after the same shall be appraised, as by the said recited Act is directed, in Satisfaction of the double Damages, together with the Costs, then such Party, if not immediately otherwise paid, may require the Constable therein acting to sell the same Goods, so far as necessary, and thereupon the Constable shall be and is hereby obliged to make such Sale; and the Justice's Execution hereafter shall run to make such Sale, if the Appraisement not accepted by the Party damaged;

Possessors of Lands, or their Servants, may kill *Hogs and Goats* trespassing.

Hogs and Goats killed, not fetched away by Owner in two Hours, the Property of Taker.

Act, pleaded, to bar Action or Prosecution.

Defendant to have double Costs.

See No. 212, S. 13.

Persons unwilling to accept Goods of Trespasser according to No. 97, S. 4. may require acting Constable to convert, by Sale, Goods levied into Money.

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Manner of
Sale.

maged; and such Sale shall be made within three Days next after such Order or Request, by publick Outcry, to the best Bidder, in the next Town, between the Hour of three in the Afternoon and Sunset, for ready Gold, or Silver Money; the Sale not to end till Sunset, unless both Parties agree thereto; and out of the Money arising thereby, the whole Damages and Costs to be paid, and the Overplus to be returned to the Owner.

Damages and
Costs paid,
Surplus to
Owner.Costs to be
settled by Jus-
tice not ex-
ceeding Fees
in Clause;

IX. And for ascertaining the Costs which shall be allowed on any such Prosecution, be it, and it is hereby enacted by the Authority aforesaid, That the same shall be settled by the Justice before whom the Complaint shall be made, or if sick or absent, by the next Justice; so always, as for the whole Prosecution and Execution, Warrants included, the Justice's and his Clerk's Fees shall not exceed six Shillings current Money of *Antigua*; and the Constable's Fees to be after the Rate of eight *per Cent.* for Levy and Sale in Execution, and no more; and also any further Sum to the Constables, not exceeding six Shillings in the Whole, for serving Warrants or Summonses through the whole Prosecution; and the Pound-keeper shall receive Eighteenpence, like Money, and no more, for the Notice he is required by the said Act to give to the Owners of trespassing Beasts impounded, where the Owner shall be known, and the Notice shall be actually given; but no Allowance to be made to any Person appointed to appraise Goods or Damages directed by the said recited Act; and all such Costs, Fees, and Allowances, to be paid by the Owners of Beasts trespassing, and to be levied as Damages are, by the said recited Act, or hereby, directed to be levied.

No Allowance
to Appraiser.
Costs leviable
as in No. 97,
or S. 8. *supra*.Where no
acting Justice
in Parish, Jus-
tice of other
Parish may
execute Act.

X. And be it, and it is hereby further enacted, by the Authority aforesaid, That where there shall not be any Justice of the Peace residing in any Parish, or that no Justice who resides in the Parish can be got to act, upon reasonable Application in and touching the building, rebuilding, or repairing any Pounds aforesaid, or in any other Matter, by the said recited Act or hereby enjoined or required, that then any other Justice of the Peace for this Island, being applied to, shall and may and is hereby impowered and required to act in all Things as effectually as though he was a Justice resident in the Parish where the Matter is to be done or transacted.

Part of Clause
temporary.

XI. And for better publishing this Act, be it and it is enacted by the Authority aforesaid, That the same shall be read in every Parish Church of this Island, by the Parson or Parish Clerk, twice on different Sundays, after Morning Prayer, and before the Sermon, within three Calendar Months after the Date hereof; and the Copies hereof shall remain respectively with

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with the Minister of each Parish, to be perused by any Inhabitant desiring it; and the Copies to be immediately made out, attested, and delivered by the Secretary of this Island, or his Deputy, to each such Minister, and the Secretary to be paid therefore by the Publick of this Island as shall be reasonable.

Dated in the Town of *St. John's*, this tenth Day of *April*, in the Year of our Lord one thousand seven hundred and forty, and in the thirteenth Year of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker*.

Past the Assembly this tenth Day
of *April*, one thousand seven
hundred and forty.

{ Past the Council this tenth Day
of *April*, one thousand seven
hundred and forty.

WILLIAM SMITH,
Clerk to the Assembly.

EDWARD GAMBLE,
Deputy Secretary.

Past by the Chief Governor the tenth of *April*, one thousand
seven hundred and forty.

WILLIAM MATHEW.

An Act for increasing the Number of White Inhabitants on No. 194.
this Island.

WHEREAS the Necessity for increasing the Number of White Inhabitants within this Island has been at no Time more pressing than at present; and although several Laws have been heretofore made for that Purpose, yet the good Effects hoped for from thence have never been produced, our Numbers of White People having rather decreased than otherwise; which has been chiefly occasioned by the Deficiency of some of our former Laws, and the Inequality and the Impracticableness of others:

AMENDED,
EXPLAINED,
and REPEAL-
ED IN PART
by Acts of 25th
April, 1755,
(No. 206;) 7th
June, 1758,
(No. 214;) 1st
June, 1767,
(No. 295;) 14th
May, 1784,
(No. 422;) 8th
May, 1792,
(No. 483.)

See

See also Nos. 153, and 569, encouraging the Importation of Servants; Nos. 118, 123, 127, and 199, encouraging Settlers.

No. 483, S. 1. 2. diminishes Proportion to one in forty; but raises Penalty to 53l. 6s. 8d.

Time of Accounting, by Act of 15th Dec. 1801, No. 558, S. 1. 25th JAN.

Where Servant absconds without Ill-usage or Connivance of Master, such Servant to be allowed in Account till Half unserved Time be elapsed. Proof by Indenture or Master's Oath. See End of S. 3.

II. In order therefore to strengthen ourselves as effectually and expeditiously as our present Circumstances will admit and allow, we Your Majesty's most dutiful, loyal, and most obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council and Assembly of Your Island *Antigua*, do most humbly pray Your Most Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That every Owner, Renter, or Possessor of Slaves, within this Island, or the Islands adjacent and thereunto belonging, shall, for every *thirty Slaves* he, she, or they shall own or possess, keep and maintain, in his, her, or their constant and daily Service and Employ, *one able White Man*; and all Persons whatsoever that shall not have their Complement or Number of White Men, according to such Proportion, within one Year after the twenty-fifth Day of *February* next ensuing the Date of this Act, or who, at any Time hereafter, shall want any of his or her Number of Servants hereby required, shall pay into the Publick Treasury twenty Pounds, Money of this Island, for each Year, and so in Proportion for any Time less than one Year, if such lesser Time exceed thirty Days, else nothing to be paid for such lesser Time, on or before the *first Day of JUNE* in every Year during the Continuance of this Act, or until they shall have complied therewith, for every White Servant that shall be found wanting to make up the Number that such Person or Persons ought to have, unless when such Person or Persons having already supplied their full Number, one or more of the said Servants, being an indentured Servant, shall die or run-away; in which Case, he, she, or they shall not be obliged to find any other in the Room of such as shall be dead or run-away, unless such Running-away be caused by Ill-usage or Connivance of the Master, until Half as much Time shall be elapsed as the Servant so dead or running-away had to serve at the Time of such Death or Running-away, according to the Indenture of such Servant, such Time to be made appear by producing the Indenture and the Oath of the Master or Mistress, to be taken before the Treasurer of *Antigua* for the Time being; and if the Indenture shall be lost, and so sworn to be, the Proof of the Time shall be by the Oath only of the Master or Mistress, to be taken as aforesaid; and no Soldier in His Majesty's Pay, nor any Person whatsoever that is not able to carry Arms in the Militia, unless such Inability shall happen in the Time of his Servitude, or Tenancy of five Acres, as hereafter mentioned, shall be accounted and deemed a Servant within the Meaning of this Act.

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III. Provided nevertheless, That every able White Man, being a Tenant of five Acres of Land constantly thereon, free from all Rent or Recompence to the Owner of such five Acres, shall be looked upon, deemed, and allowed as a Servant to such Owner, as long as he shall so live thereon; save that if any Servant, as Tenant as aforesaid, shall serve as a GUNNER OR MATROSS ON ANY THE FORTS OR FORTIFICATIONS OF THIS ISLAND, OR SHALL BE IN ANY EMPLOYMENT OR OFFICE OF PROFIT IN THIS ISLAND, UNDER THE CROWN, OR THE PUBLICK OF THIS ISLAND, [*or shall be employed in any Sloop, Shallop, Boat, or Vessel, commonly called Sugar Droguers, or which carry Goods for Profit, Hire, or Freight, in or about this Island,*] such Servant or Tenant shall not be deemed a Servant within the Meaning of this Act as long as any such Impediment shall continue; and on Refusal or Neglect to ascertain as aforesaid the Time of Service remaining at the Death or Running-away, the Master, Mistress, or Owner, shall pay and be charged as though such Servant had actually served all his Time.

White Man
tenanting five
Acres, rent-
free, deemed
Servant to
Owner.

By No. 422, S.
3. no Person
holding Post
of EMOLU-
MENT, Civil,
Military, or
Parochial,
shall be deem-
ed a Servant,
confirming the
Exclusion ex-
pressed in Ca-
pitals. See fur-
ther No. 422,
S. 4.

By No. 214,
Passage in
Italics repeal-
ed.

IV. And be it, and it is further enacted, That where any Person or Persons shall possess any Number of Slaves less than thirty, or have broken Numbers above thirty, or above such other equal Numbers as will make them liable to keep two, three, or more White Servants, in all such Cases, he, she, or they, so owning or possessing such supernumerary or deficient Numbers, shall pay to the Publick, for each Slave supernumerary or deficient, three Shillings *per Annum*, over and besides all other Taxes to be imposed on Slaves on or before the twenty-fifth Day of *June*, in every Year during the Continuance of this Act, the first Year to commence on the twenty-fifth Day of *February*, in the Year of our Lord one thousand seven hundred forty-one; and Payment of the said Tax, as far as then due, to be made on the *twenty-fifth Day of JUNE* then next following, unless such Person or Persons shall chuse rather to keep and maintain one White Servant Man for such broken Numbers, instead of paying the Tax imposed by this Clause.

Proprietors of
Slaves not a-
mounting to,
or not com-
prehended in
Number [40]
for which
White Servant
is kept; to pay
annually 3s.
for each; or
keep White
Servant.

Time of Ac-
counting by
No. 558, S. 1.
25th Jan.

V. And be it also enacted and ordained, by the Authority aforesaid, That the Treasurer for the Time being, shall, at the Expiration of one Year after the last Day of *December*, which shall be in the Year of our Lord one thousand seven hundred forty and one, cause all and every the Inhabitants of this Island to be summoned, by the Constables of the several Towns and Divisions, by Warrant under the Hand and Seal of some Magistrate in each Town and Division, to be and appear on a certain Day before such Magistrate, to give a distinct

Inhabitants to
be summoned
to give Ac-
count on Oath
of the Number
of their Slaves
and White
Men;
and [by No.
295, S. 2.] of
their White
Women Ser-
vants.

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distinct and true Account upon Oath of the Number of Slaves they shall own or possess, and the Number of White Men Servants or Tenants then actually in their Service or Employ, or then dwelling and being on their Land rent-free; which Oath shall be administered in the following Words; *videlicet*,

Form of Oath.
See Form as
altered to com-
prise White
Women Ser-
vants, No. 295,
S. 2.

YOU *A. B.* do swear, that you will give a just and true Account, according to the best of your Knowledge, of the Number of Slaves whereof you are Possessor, in this Island or in the Islands adjacent and thereunto belonging, in your own Right, or the Right of any Person or Persons whatsoever; and also of the Number of White Men Servants at this Time in your Service and Employ, and for how long Time past they have been so, and of what other White Men, who are now Inhabitants or living on any and what Quantity of your Land, and for how long Time past, freed and discharged of and from all Rent, or any Recompence or Consideration whatsoever, for such Lands, with the Christian and Surnames of all such White Men Servants and Freeman Tenants, without Equivocation, Deceit, or Fraud; and shall truly answer all such other Questions as by me shall be asked of you concerning the Qualifications of such Servants or Free-tenants, and the Manner and Terms of employing and keeping Servants or Free-tenants by you.

SO HELP YOU GOD.

Magistrate dis-
obeying Act
to forfeit 50l.
&c.

Proprietors of
Slaves, &c. in
more Divisions
than one, to
render Ac-
count in that
Division
where they re-
side.

Of all which the Magistrate to whom such Account shall be given, shall make Return into the Treasurer's Office in ten Days; and any Magistrate neglecting his Duty, in this or any other Part of this Act, shall forfeit the Sum of fifty Pounds, to be recovered in any Court of Record within this Island, with double Costs to be taxed, by Bill, Complaint, Action, or Information, in the Name of the Treasurer of this Island for the Time being: And if any Person or Persons shall have Slaves, or such aforesaid White Servants or Free-tenants, in more Divisions than one, they shall be accounted for in the Division where such Person or Persons shall dwell or reside; and the said Treasurer shall, in every Year succeeding and following after the first Year wherein the above Account shall be taken, cause all future Accounts, relating to such White Servants and Tenants, to be taken and returned at the same Time when the Accounts and Returns of Slaves and Lands shall be taken by Virtue of the annual Tax Act, by ad-
ding

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ding to the Oath therein directed to be administered the following Words, *videlicet*,

AS also the Number of White Men Servants at this Time in your Service and Employ, and for how long Time past they have been so ; also of what other White Men, who are now inhabiting or living on any and what Quantity of your Land, and for how long Time past, freed and discharged of and from all Rent, or any Recompence or Consideration whatsoever, for such Lands, with the Christian and Surnames of all such White Men Servants, and Freeman Tenants, without Equivocation, Deceit, or Fraud ; and shall truly answer all such other Questions as by me shall be asked of you concerning the Qualifications of such Servants or Free-tenants, and the Manner and Terms of employing and keeping such Servants or Free-tenants by you.

See Form as altered in No. 295, S. 2. 2d Oath.

SO HELP YOU GOD.

And in case no Tax Act shall be passed, then the Treasurer may proceed, as in the first Instance above directed, [*in any Month, between the first Day of March and last Day of June,*] in every Year wherein no annual Tax Act shall be then passed : And if any Person, Owner, or Possessor of Slaves, shall be proved upon Oath to be sick or absent from the Island, the Agent, Attorney, Manager, or Overseer of such absent Person, shall be suffered to give an Account as aforesaid, for and instead of such absent Person ; but still the Return shall be made in the Name of the Owner or Possessor, and he, she, or they be charged and answerable for the Penalty and Taxes laid by this Act, and his, her, or their *Lands, Tenements, and Slaves*, shall always be liable to be taken and sold for the Payment thereof, if Goods and Chattels of such Persons cannot be found to answer the same ; and the Treasurer is hereby required, when Default shall be made, or the Taxes or Fines hereby imposed not paid, to levy for the same, within twenty Days after Default, by Distress and Sale, in like Manner as he is directed to do by the annual Tax Act for Non-payment of Taxes and Fines thereby imposed ; and is also hereby made liable to the same Penalties, and answerable for any Deficiencies, in the same Manner as by the said Tax Act he is made liable to, and answerable for, in Cases of Neglect, or Non-performance of his Duty in any respect.

By No. 558, S. 1. on the 25th Jan.

If Proprietor absent, Agent to make Return in Proprietor's Name.

On Non-payment of Penalty and Taxes, in Default of Goods, Proprietor's Land and Slaves liable.

Levy in 20 Days after Default.

Treasurer to shape his Proceedings by Annual Tax Act.

VI.

Proprietor or Overseer summoned, refusing Account of Slaves, &c. to be committed by Warrant from Treasurer till obedient.

Sickness or legal Disability to excuse.

Treasurer may levy in the mean Time.

Constable not executing Warrant, to forfeit 5*l.* or be committed.

Importer of White Man Servant, of Description in Clause, to receive 40*s.* in addition to Bounty under No. 153, S. 4.

Treasurer to pay it in 21 Days.

White Man of Character paying his Passage, and indenting and residing four Years with fixed Inhabitant to receive 1*l.* &c.

VI. And it is hereby enacted and ordained by the Authority aforesaid, That if any Owner, Renter, Manager, or Overseer, being duly summoned by the Constable, shall neglect or refuse to appear and give an Account, as above required, of the Slaves, White Servants, or Tenants belonging to him, her, or them, or to his, her, or their Employer, he, she, or they shall be committed to the Common Gaol of this Island, by Warrant from the Treasurer; there to remain, until he, she, or they shall give an Account as required, unless such Owner, Renter, Manager, or Overseer shall prove upon Oath that he or she was sick, or otherwise legally disabled from attending at the Day appointed, and shall then also give an Account as aforesaid; and in the mean Time the Treasurer may levy the same Tax, according to the Number of Slaves he can gain Information of, as belonging to the Defaulter; returning the Overplus, if too much levied.

VII. And be it and it is hereby enacted, by the Authority aforesaid, That if any Constable shall neglect or refuse to execute any Warrant that he shall receive for summoning the Inhabitants, or levying for Fines and Taxes unpaid, he shall be committed to the Common Gaol, by Warrant under the Hand and Seal of any Magistrate, till he pay the Treasurer a Fine of five Pounds, current Money of *Antigua*.

VIII. And it is also enacted and declared, by the Authority aforesaid, That any Person importing a White [*Protestant*] Man Servant, indented for four Years or more, not aged less than fifteen Years, nor more than forty, and who shall make Oath before the Treasurer of his being a Person of a good Character, and not a Criminal condemned to Transportation, shall, for every White Man Servant so imported and put upon the Treasurer, receive a Bounty of forty Shillings, current Money of *Antigua*, from the Treasurer of this Island for the Time being, over and besides the Bounty now given by Law, who is hereby required to pay the same in one and twenty Days after such Importation; and if any Importer of White Men Servants, whether Master of a Vessel, Merchant, or other Person, shall refuse or neglect to take the Oath last-mentioned, touching every such Servant so to be imported, the Treasurer of this Island for the Time being, shall not receive such Servant or Servants imported by such Person; and every White Man of such good Character, and not condemned as aforesaid, coming hither voluntarily, and not under nor above the Age before-mentioned, and paying his own Passage, and *swearing to the Oaths required by the Servants' Act of one thousand seven hundred and sixteen*, who shall indent with a known fixed Inhabitant of this Island to

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to continue and remain thereon four Years, shall also receive, within the said Space of one and twenty Days after his being so indented, the Sum of eighteen Pounds current Money of *Antigua*, from the said Treasurer; and any Person, being an Inhabitant, who shall, at his own Expence, cause a White Man, qualified as before required to be imported, shall be also intitled to the same Allowance, which the said Treasurer is hereby required to pay and allow: And the said Treasurer is hereby impowered to distribute and place out all such Men Servants as shall come into his Hands, by Virtue of the Encouragements aforesaid, in the same Manner as he is impowered to place out Servants by Virtue of an Act of this Island, intituled, *An Act for encouraging the Importation of White Servants to this Island*, dated the eleventh Day of *July*, one thousand seven hundred and sixteen; save and except only that hereafter Nothing shall be charged to, or paid by the Person, or his, or her Estate, on whom or whose Estate any such Servant shall be hereafter placed by the Treasurer; but the whole Charge to be borne by the Publick of this Island.

So much of Clause as requires White Servant to take the Test Oaths is repealed by No. 422, S. 2.

Alteration of No. 153, S. 5.

Clause confirmed by No. 206, S. 10. and No. 483, S. 2.

Taxes and Forfeitures under Act to be paid to Treasurer.

[See End of S. 5. supra for Mode of Recovery in Case of Non-payment.]

To be applied, first, in Bounties under No. 153, S. 4. and S. 8. supra.

The Remainder in purchasing and distributing Land according to Acts No. 118. No. 123:

IX. And be it, and it is hereby enacted and ordained, by the Authority aforesaid, That all Monies arising by the Taxes and Impositions laid by this Act, and all Fines and Forfeitures hereby imposed, and which shall be incurred and recovered, shall be constantly and immediately paid to the Treasurer for the Time being, or his Deputy; and shall be, in the first Place, applied to the Payment of such Monies as shall be demanded or become due to Persons importing White Servants, and to such as shall bind themselves by Indenture to serve for four Years, as last-mentioned; and the Remainder, if any, shall be disposed of either in purchasing Lands which shall from Time to Time be granted by the Persons in Chief Command on the Island for the Time being, the Council and Assembly of this Island, upon a Petition to them directed, in Parcels of ten Acres, to any Tradesman White Servant, or other Person, not being under Indenture, nor possessed of any Land, and who hath been resident on this Island four Years; and the Land so purchased, as well as the Persons to whom the same may be at any Time hereafter given, shall be, in every Respect, and to all Intents and Purposes, under the same Regulations, Limitations, Forfeitures, and Restrictions, as other Country Lands, and the Tenants enjoying the same, are at this Time deemed, held, and adjudged to be by Virtue of two Acts of this Island; one intituled, *An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers now to be disbanded to continue therein, by enabling*

them

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or, to any
other Use
which Go-
vernors, Coun-
cil, and As-
sembly shall
direct

No. 153.

Clause having
a temporary
Object, has
ceased to ope-
rate.

them to become Settlers amongst us, dated the twenty-fourth Day of December, one thousand seven hundred; the other of the same Acts, intituled, *A Supplementary Act to an Act for the better Settlement of this Island with White People, more particularly by His Majesty's Soldiers lately disbanded in this Island, dated the twenty-fourth Day of December, one thousand seven hundred*; which last Act is dated the sixteenth Day of October, one thousand seven hundred and one; or in case the said Person in Chief Command, and the Council and Assembly, shall think it more convenient and proper to lay out and dispose of the said Monies in any other Manner, or to other Purposes, then the same shall be applied to such other Uses and Purposes as shall by them jointly, and not otherwise, be determined and agreed upon.

X. *And whereas a certain Act was made in this Island, intituled, An Act for encouraging the Importation of White Servants into this Island, dated at Parham, the eleventh Day of July, one thousand seven hundred and sixteen, by which several Fines and Penalties were laid upon such of the Inhabitants of this Island who did not furnish themselves with White Male Protestant Servants, to the Numbers and in the Times by the said Act required; which, for want of a sufficient Encouragement to Importers, and other Difficulties attending an exact Compliance with the said Act, the said Inhabitants could not possibly do, there never having been sufficient Numbers of such Servants imported to enable the Inhabitants of this Island to comply with the said Act; and the same Inhabitants may still, by the Letter of the same Act, be liable to the Fines and Penalties by the same recited Act imposed for past Neglects and Non-compliance; which Fines and Forfeitures, for not providing the proper Number of such Servants in due Time, are, by the same recited Act, to be recovered before two Justices of the Peace; one Half to the Person complaining; the other Half to the Use of the Poor of the Parish; and no Time is by the same Act limited for recovering or suing for such Forfeitures or Penalties: Wherefore it is thought but reasonable and necessary to remove the Fears and Uneasiness the said Inhabitants lie under, by reason of such Penalties and Forfeitures incurred, and to limit a Time for recovering the Forfeitures by this Act imposed, and of the Forfeitures by the said recited Act imposed, for any other Matter than the Want of Numbers of White Male Servants, being Protestants; be it enacted, by the Authority aforesaid, That all Penalties, Fines, and Forfeitures, by the said last recited Act imposed or laid, and which already are incurred, by reason of any Neglect or Omission of any Person whatsoever, now living or already dead, for not providing and supplying, in due Time, Christian Male Servants, being Protestants, as by the*

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the last recited Act required, shall be and are hereby remitted, and declared, and made void; and no-way shall be sued for or recovered.

XI. And be it also further enacted, by the Authority aforesaid, That the Number of White Protestant Men Servants, by this present Act required to be provided by Persons, Owners of Slaves within this Island, or the Islands thereunto adjacent and belonging, shall be deemed and taken in full Satisfaction and Stead of all Numbers of White Christian Male Servants, being Protestants, required to be found and provided by the said last recited Act; and also that for the future no Penalties or Forfeitures shall be recoverable, sued for, or paid, under or by Virtue of the same last recited Act, for not providing the Numbers of White Christian Male Servants, being Protestants, by the same recited Act required; but the Penalties and Forfeitures *by this present Act laid* for Neglect or Default in providing White Men Servants, being Protestants, shall only be recoverable for any Default of providing Christian Male or Men Servants, being Protestants, in Manner as hereby required.

Increased Penalties in No. 483 supersede Part of Clause, as Clause supersedes Part of No. 158: but the Mode of Recovery under this Act is confirmed. See S. 9. and End of S. 5. supra.

XII. And be it, and it is hereby enacted, by the Authority aforesaid, That in all Cases, when no Provision is by this Act made touching Christian White Men or Male Servants, being Protestants, in Lieu of those provided by the said last recited Act, the said last recited Act shall govern and be followed.

No. 158, where not altered by Act, to be followed.

XIII. And be it, and it is hereby enacted, by the Authority aforesaid, That where it shall be thought proper, by reason of the Poverty or Misfortunes of any Person or Persons, Possessor of Slaves under the Number of thirty, it shall be, and is hereby declared to be in the Power of the Person who for the Time being shall be in Chief Command upon this Island, by Order to be made by and with the Advice and Consent of Council and Assembly of the same, to remit and forgive any such Person or Persons his, her, or their Taxes of three Shillings *per Head per Annum* by this Act imposed on each such Slave, upon a Petition to be for that Purpose preferred; for which Petition, or the Reading or Filing thereof, or the Order thereon to be made, no Fee or Reward shall be paid or given to, or be demandable by, either the Clerk of the Council, or his Deputy, or the Clerk of the Assembly of this Island; and such Petitions shall receive no Delay, but shall be immediately read.

Power to Commander in Chief to remit to petitioning indigent Owner of less than 30 Slaves Tax of 3s. per Head.

XIV. Provided always, That upon any one such Petition, no more shall be remitted or forgiven than the Taxes which then shall be due, or will incur due, for that Year current when such Petition shall be preferred.

To remit on Petition, Taxes only of current Year

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No. 194.

A. D. 1740-1

Penalties under this Act or under No. 153, not recoverable unless Process commence in two Years after Default.

Yet Treasurer liable for Neglect in not levying.

XV. And be it, and it is hereby enacted and ordained, by the Authority aforesaid, That where any Penalty or Forfeiture, is laid by this present Act upon any Person for not duly providing his or her Number of White Men Protestant Servants hereby required, or upon any Magistrate or Constable, for not doing his Duty respectively required by this Act, or where any Person shall be liable to any Penalty or Forfeiture by Virtue of the said last recited Act, dated the eleventh Day of *July* one thousand seven hundred and sixteen, for any Matter; (except the finding the Number of White Christian Male Servants, and in the Time by the said recited Act required, which is hereby varied as aforesaid;) all such Forfeitures or Penalties, to be hereafter incurred, shall be sued, distrained, or prosecuted for, in two Years next after the Default committed, or else all such Forfeitures and Penalties shall be void, and never recoverable against the Party forfeiting; but yet the Treasurer of this Island shall still answer, as far as he is hereby made liable, for Neglect or Omission in not levying or distraining.

Dated at the Town of *St. John*, the eleventh Day of *February*, in the fourteenth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord one thousand seven hundred and forty.

STEPHEN BLIZARD, *Speaker.*

Past the Assembly this ninth
Day of *December* one thousand seven hundred and
forty.

Past the Council the eleventh
Day of *February* one thousand seven hundred and
forty.

WILLIAM SMITH,
Clerk to the Assembly.

EDWARD GAMBLE,
Deputy Secretary.

Past by the Chief Governor the eleventh Day of *February* one thousand seven hundred and forty-forty-one.

WILLIAM MATHEW.

14th GEO. II.

Nis. 195, 196.

A. D. 1741.

An Act for fortifying and building Barracks on Rat No. 195.
Island; and for appraising and valuing the same Island,
and paying the Owners thereof. OBSOLETE.

Dated 24th April 1741.

An Act for explaining and amending a certain Act of this No. 196.
Island, intituled, An Act for raising an Impost on
all Liquors imported into this Island. For DUTIES
 ON FOREIGN
 PRODUCE,
 see, with this,
 Act of 17th
 Dec. 1697,
 (No. 102;)
 21st March,
 1767, (No.
 293;) and 12th
 June, 1721,
 (No. 169.)

WHEREAS a certain Act was passed in this Island, intituled, *An Act for raising an Impost on all Liquors imported into this Island*, dated at the Town of Parham, the seventeenth Day of December sixteen hundred ninety and seven, and in the ninth Year of the Reign of King William over England, Scotland, France, and Ireland, Defender of the Faith, &c. which was confirmed by Royal Authority; by which Act there is an Impost of two Shillings a Gallon laid upon all Rum imported into this Island:

PREAMBLE.

II. And whereas a Doubt has lately arisen, whether Rum of the Produce of any other of His Majesty's Colonies, or of any foreign Colony, brought into any Harbour, Port, or Shipping-place within this Island, and not actually put on Shore and landed within this Island, shall be liable to the said Duties, notwithstanding such Rum hath been taken out of the Vessels which brought the same into the Harbour, Port, or Shipping-place of this Island, and did there actually unload the same, and put the same into Ships or Vessels lying in such Port, Harbour, or Shipping-place, either from thence to be exported for Europe or North America, paying only the Duty of Four and a Half per Cent. on Exportation for such a Quantity of Rum, at such of His Majesty's said Leeward Islands, or Barbadoes, as such Rum has been pretended to be taken in at, as though such Rum had been really the Produce of those Islands, or else such Rum has been sold and drank in our Harbours, Ports, or Shipping-places; which Practices are thought to be contrary to the Intention of the said recited Act, and are not only a great Discouragement to the Planters of this Island who make Rum, but give Openings for colouring of foreign Rum as the Produce of His Majesty's Colonies; there being great Reason to suspect that great Quantities of such Rum have

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No. 196.

A. D. 1743.

have been of foreign Produce, and brought hither as Rum produced in other His Majesty's *Leeward Caribbee* Islands, or *Barbadoes*, by Means of Certificates and Clearances obtained from the Custom-houses of the other of His Majesty's *Leeward Caribbee* Islands, or from *Barbadoes*, certifying that such Vessels as have so imported such Rum into the Harbours, Ports, or Shipping-Places of this Island had *bonâ fide* taken in at some other the said *Leeward* Islands, or *Barbadoes*, of the Produce of those Places, the very Quantities of Rum that have been certified in such Certificates and Clearances, when in Truth little or none of such Rum was ever produced or taken in at either of the same Places; but the Ships or Vessels which brought the same hither came from those Places with empty Rum Casks only on board, and with very little or no Rum on board, and did, after such Certificates and Clearances obtained, take in their Rum at Sea, or at *St. Eustatius*, under the *Dutch* Government, or in some other Island, either neutral or under foreign Government, and such Rum was in fact partly or wholly of foreign Produce; which Trade of colouring foreign Rum might have been prevented, had the Custom-house Officers done their Duties, in making due Search and Enquiry at the other *Leeward* Islands, or *Barbadoes*, to know that each Ship or Vessel clearing out had there taken in the due Quantity of Rum for which they gave the Clearances or Certificates, which could not be done in this Island after such Certificates and Clearances obtained there; and not only these Kind of Frauds are committed, but the Income arising from our Liquor Duty is much lessened, by reason of Non-payment of the Duties thereby intended to be laid upon Rum imported here in Manner aforesaid;

III. We therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *Antigua*, do humbly pray Your Most Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That all Rum whatsoever, not of the Produce of this Island of *Antigua*, which shall hereafter be brought into any Harbour, Port, or Shipping-place of this Island, with Intent to land the same in this Island, or with Intent to ship the same in any other Vessel lying in any such Harbour, Port, or Shipping-place within this Island, to be hence again exported, or to be expended and used in such last-mentioned Ship or Vessel, shall pay the said Duty of two Shillings *per* Gallon, and so proportionably for a greater or less Quantity, to be paid, levied, and

ACT.
Rum, not the
Produce of
Antigua,
brought into
Harbour,
either to be
landed, or ship-
ped into other
Vessel in Har-
bour, to be ex-
ported, or ex-
pended in such
Vessel, to pay
2s. per Gallon.

ISLAND OF ANTIGUA.

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No. 196.

A. D. 1743.

and collected in the same Manner as directed in the said recited Act, and to the same Uses as thereby directed.

IV. And be it also further enacted, by the Authority aforesaid, That all such Rum which shall hereafter be so brought into any Harbour, Port, or Shipping-place within this Island, in order to be there sold, or with Intent there to be put into any other Ship or Vessel, to be therein expended, or to be therein from hence exported, shall be forfeited, seized, and condemned, as by the said recited Act is directed, and to the Uses in the said recited Act directed, relating to Rum thereby made forfeitable, if the same Rum shall be taken any-way out of the Vessel or Ship which shall so bring the same into any Harbour, Port, or Creek of this Island, without the Presence of the Collector of the said Impost, or some Person appointed by him, or Notice thereof before given him, or regular Entry thereof first made with the said Collector, or the said Duties thereof first paid.

If taken out of Vessel bringing it, without the Presence of Collector, or Notice, or Entry, or Payment of Duty, to be forfeited to Uses in No. 102, S. 3.

Dated in the Town of *St. John* the ninth Day of *May* in the Year of our Lord one thousand seven hundred and forty-three, and in the sixteenth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker.*

Past the Assembly the twenty-eighth Day of *April*, one thousand seven hundred and forty-three.

Past the Council this sixth Day of *May*, one thousand seven hundred and forty-three.

EDWARD GAMBLE,
Clerk to the Assembly.

FRANCIS PEARCE,
Clerk to the Council.

Past by the Chief Governor, the ninth Day of *May*, one thousand seven hundred and forty-three.

WILLIAM MATHEW.

An

No. 197. *An Act to invest a certain Tract of Land at English Harbour, belonging to Thomas Bodkin of the Kingdom of Ireland, in His Majesty, His Heirs and Successors, for certain publick Uses; and for appraising and valuing the same, and paying the Owner thereof.*

PREAMBLE.

Advantages of Wharf, &c. at English Harbour.

WHEREAS the Wharf, Stores, Magazines, Cisterns, and other Buildings at *English Harbour*, for the careening, fitting, and preserving His Majesty's Ships of War, have been very advantageous to the *Leeward Islands*, and more particularly to this His Majesty's Island *Antigua* :

Order for building another Wharf.

II. And whereas His Most Sacred Majesty hath been graciously pleased to order the building of another Wharf, Stores, and other Conveniences at the said Harbour, for the more convenient careening and repairing His said Ships of War; which will be of very great Advantage to the Trade to the *Leeward Islands*, and will be a Means to deter our Enemies from attempting to invade this Island :

Tract belonging to Thomas Bodkin proper for the Purpose.

III. And whereas it appears to us that there is a Tract of Land adjoining on the said Harbour, and near the Place where the said Wharf is intended to be built, which will be very convenient for building of Store-houses and other Houses for His Majesty's Use, and for fixing some poor White Persons on, as herein after directed; which Land belongs to one *Thomas Bodkin*, formerly of this Island, but now of the Kingdom of *Ireland*, and is bounded East by the said Harbour, South by the Sea, West by the Land of *John Taylor*, and Land late of *William Bawn*, North by the Land late of *Thomas Nanton*, or however otherwise butted and bounded;

Its Boundaries.

ACT.
Said Tract, after Valuation as in S. 5. 6. to be vested in His Majesty.

IV. We therefore Your Majesty's most dutiful, loyal, and obedient Subjects, the Captain General and Governor in Chief of all Your Majesty's *Leeward Caribbee Islands* in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Sacred Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That as soon as a just and conscionable Value shall be settled on the said Tract of Land, as herein after directed, that then, and for ever after, the same shall belong to His Majesty, His Heirs and Successors, (any Gift, Grant, or Conveyance thereof to the contrary notwithstanding) for the Purposes herein after-mentioned.

V.

17th GEO. II.

No. 197.

A. D. 1743-4.

V. And for the equitable adjusting and settling the Value to be paid the Owner or Proprietor of the said Land, be it, and it is hereby enacted and ordained by the Authority aforesaid, That, within ten Days after the Publication of this Act, four honest, substantial, and indifferent Freeholders of this Island; two whereof to be nominated by the Treasurer of this Island, and two by the Owner or Proprietor of the said Land; and in case of his Absence from this Island, then the said two Appraisers to be nominated by the Attorney or Attornies of the said Owner or Proprietor; after being sworn by the said Treasurer (which he is hereby impowered to do) well and truly to value and appraise the said Land, according to the best of their Judgments and Consciences; shall value and appraise the same, and shall make Return thereof, under their Hands and Seals, unto the Treasurer, within fourteen Days after their being so nominated and sworn; which Return, so made, shall be unto the Treasurer a sufficient Warrant and Authority to pay the said Sum or Sums unto the Person or Persons intituled to receive the same: And if the Owner or Proprietor of the said Land, or the Attornies or Attorney of the said Owner or Proprietor, shall refuse or neglect to nominate and appoint two Freeholders as aforesaid, that then it shall and may be lawful for the said Treasurer, within ten Days after the Expiration of the said forty Days, to nominate and appoint the whole four Appraisers; whose Appraisement and Return shall be as conclusive and binding as if the same Appraisers had been nominated and appointed as before directed.

VI. And be it further enacted and ordained, That if the four Appraisers cannot agree in the Appraisement, they are hereby authorized and required to chuse an Umpire: And in case they cannot agree in the Election of an Umpire, within two Days after the Expiration of the fourteen Days appointed for the making their Return, the Treasurer shall appoint one; and the Return of the said Umpire so elected, to be made under his Hand and Seal, within fourteen Days after such Election, shall be as good and valid, to all Intents and Purposes, as if the same had been made by the four Appraisers: And if any Person, being nominated, appointed, or elected to be an Appraiser, or Umpire, shall refuse or neglect to act and do as herein respectively directed, shall forfeit the Sum of twenty Pounds, current Money of this Island, to the Use of His Majesty, His Heirs and Successors, for the Benefit of the Publick of this Island, to be recovered in a summary Way, before any two Justices of the Peace, who, in Case of Difference in Opinion, shall call to their Assistance a third

Said Land to be valued by four Freeholders.

Return of Valuation to Treasurer, Warrant for Payment.

Owner not appointing Appraisers, Treasurer to do it.

If Appraisers disagree, Umpire to be appointed.

Appraisers or Umpire not acting, to forfeit 20^l.

17th GEO. II.

No. 197.

A. D. 1743-4.

Convicted,
and not pay-
ing Fine, to
be committed.

Treasurer dis-
obeying Act,
to forfeit 20%.

Five Acres of
said Land to
be vested in
His Majesty
for Works
mentioned in
Recital.

The Remain-
der for Allot-
ments to the
Poor, accord-
ing to Acts
No. 118, &c.

Ten Acres
nearest Cis-
terns forfeit-
able, if Pos-
sessor Acces-
sary to Da-
mage of Cis-
terns.

Justice to determine it ; and upon any Person or Persons being convicted before the said Justices of such Neglect or Refusal, and not immediately paying down the said Fine of twenty Pounds, he or they shall be committed by the said Justices unto the Common Gaol of this Island ; there to remain, without Bail or Mainprize, until Payment thereof : And if the Treasurer for the Time being shall refuse or neglect duly to execute what by this Act he is impowered or directed to do, he shall forfeit the Sum of twenty Pounds, to be recovered and applied as before directed.

VII. And be it further enacted and ordained, That out of the said Tract of Land, five Acres, to be chosen, within thirty Days after the Return of the Appraisement, by the Commander in Chief for the Time being, shall be vested in His Majesty, His Heirs and Successors, for erecting thereon the Buildings and other Works before mentioned ; and the Remainder of the said Land shall be vested in His Majesty, His Heirs and Successors, to be granted from Time to Time to poor Persons by the Commander in Chief for the Time being, by and with the Advice and Consent of the Council and Assembly of this Island, in the same Manner, and under the same Rules and Limitations, that other publick Lands in this Island are grantable.

VIII. Provided always, That ten Acres of the said remaining Land nearest to the Cisterns, when granted, shall at all Times be forfeitable, unless the Possessor of it shall take due and constant Care, as far as in him lies, that no Damage be done by any Person to the said Cisterns ; and upon Proof of his neglecting so to do, the same ten Acres may be granted away to any other Person for ever, subject to be forfeited upon Proof of like Neglect.

Dated in the Town of *St. John*, the twenty-third Day of *January*, one thousand seven hundred and forty-three, and in the seventeenth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker*.

Past the Assembly the twenty-
third Day of *January*, one
thousand seven hundred and
forty-three.

{ Past the Council this twenty-
third Day of *January*, one
thousand seven hundred
and forty-three.

EDWARD

17th GEO. II.

Nis. 197, 198.

A. D. 1743-4.

EDWARD GAMBLE,
Clerk to the Assembly.

GEORGE WATKINS,
Dep. Cl. Council.

Past the Chief Governor the twenty-third of January, one thousand seven hundred and forty-three-four.

WILLIAM MATHEW.

An Act supplementary to an Act, intituled, An Act for the better Regulation and Settlement of the Register's Office of the Island of Antigua, dated the third Day of November, one thousand six hundred and ninety-eight; and for altering and amending the said Act.

No. 198.

ENLARGED
by Act of 8th
Feb. 1765,
(No. 275.)

See also Nos.
5, 106, direct
Register Acts;
39, 270, Act of
the Leeward
Islands, No.
32, relating
incidentally to
Registry.

WHEREAS in the said Act, intituled, *An Act for the better Regulation and Settlement of the Register's Office*, there is no Provision for making void parole Conveyances of Slaves, or to compel the Acknowledging and Recording of written Conveyances of Slaves in the Register's Office of this Island, or any other Publick Office of this Island:

PREAMBLE.
No Provision
in No. 106,
for registering
Conveyances
of Slaves.

II. And whereas the Fortunes and Estates of most of the Inhabitants in this Island consist chiefly of Slaves, which are daily transferred from one Person to another, by Parole, or by Conveyances in Writing, not acknowledged and recorded; so that Disputes often arise touching the Titles of Slaves, and Purchasers and Creditors incur and receive great Loss and Prejudice, by reason of fraudulent and covenous Conveyances, Sales, Gifts, Grants, and other Assurances of Slaves;

III. For Remedy of which Inconveniences, and for the better establishing Titles to Slaves, we Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of the said Island of Antigua, most humbly pray Your

19th GEO. II.

No. 198.

A. D. 1746.

ACT.
Conveyances
of Slaves not
in Writing
and acknow-
ledged by
Vender before
Register in
20 Days from
Date, to be
void.

See Exception
in S. 4.

Conveyances
of Slaves exe-
cuted out of
Antigua but
within the
Leeward
Islands, re-
corded in a
Year; and such
Conveyances
executed out of
the Leeward
Islands, re-
corded in two
Years; to be
good.

See No. 270,
S. 3. 4.

Most Excellent Majesty, that it may be enacted and ordained; and it is hereby enacted and ordained, That from and after the Date of this Act, all Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances, of what Nature or Kind soever (Wills only excepted) of any Slave or Slaves, shall be absolutely void, to all Intents and Purposes whatsoever, both in Law and Equity, unless the same be in Writing, and acknowledged by the Vender, Donor, or other Person or Persons conveying the same, or by some Person or Persons thereunto lawfully authorized, by Writing before the Register of Deeds of this Island, or his lawful Deputy, and also entered and registered in the Register's Office of this Island, together with such Acknowledgment, within twenty Days next after the Date of such Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances; such Acknowledgment to be written thereon by the Register, or his Deputy, with the Day of the Month and Year when acknowledged, in Words at Length, and signed by the said Register, or his Deputy.

IV. Provided always, That if any Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances whatsoever, of any Slave or Slaves, shall hereafter be executed by any Person or Persons off this Island, and Proof of the Execution thereof, made in Manner herein after-mentioned, and the same, with such Proof thereof, recorded in the Register's Office of this Island, within the Time hereafter limited; that is to say, within twelve Calendar Months next after the Date thereof, in the same are executed in any of the *Leeward* Islands; and if executed in *Europe*, or any other Country or Place whatsoever, within two Years next after the Date thereof; such Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances, shall be good and effectual; any Thing in this Act contained to the contrary notwithstanding.

V. And be it further enacted, by the Authority aforesaid, That the Proof of the Execution of all Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances whatsoever, of any Slave or Slaves, which shall be executed off this Island, shall be by Oath in Writing of any one of the Witnesses thereto, before the Person who shall be in Chief Command in this Island, or before any one of the Judges of the Common Pleas for the said Island, or before the Register of the said Island, or his lawful Deputy; which said Oath shall be indorsed on the Back of such Bargain, Sale, Gift, Grant, Mortgage, Conveyance, or other Assurances, and subscribed by such Witness.

VI.

19th GEO. II.

No. 198.

A. D. 1746.

VI. Provided always, That Nothing in this Act contained shall extend, or be construed to extend, to any Bargain or Sale of any new Slave or Slaves which may or shall hereafter be imported and sold in a publick Store as Merchandize.

Act not to extend to imported Slaves sold as Merchandize.

VII. And be it further enacted and ordained, by the Authority aforesaid, That after any Bargain, Sale, Gift, Grant, Mortgage, Conveyance, or other Assurances of any Slave or Slaves, executed in this Island, and acknowledged as aforesaid, the same, together with such Acknowledgment, before the Register shall part therewith out of his said Office, shall be fairly and duly entered and registered at large in the Books of the said Office.

After Acknowledgment of Conveyance, Register not to part with it till entered at Length.

VIII. And to prevent all Disputes about the Priority of entering such Bargains, Sales, Mortgages, Gifts, and other Assurances of Slaves, executed in this Island, the Time of Acknowledgment of the same shall be deemed and taken to be the Time of Entry or Recording thereof; and to prevent all Frauds touching all such Bargains, Sales, Gifts, Mortgages, or other Assurances of Slaves, which shall not be executed in this Island, be it further enacted, by the Authority aforesaid, That the said Register, or his lawful Deputy, shall, immediately after Delivery of such Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, and other Assurances, so proved as aforesaid, or after Proof thereof made, before such Register, or his lawful Deputy as aforesaid, make a Memorandum upon the said Deed of the Day, Month, and Year when the same was delivered to the said Register, or his Deputy; which said Memorandum shall be attested by one Witness, and signed by the said Register, or his Deputy; and the Date of such Memorandum shall be deemed, esteemed, and taken to be the Time of the Entry and Registry of such Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances.

Time of Acknowledgment to be deemed the Time of Entry.

Register to insert on Deed Memorandum of Date of its Delivery to him, attested by one Witness, and signed by himself.

IX. Provided always, That Nothing herein contained shall make void any Bargain, Sale, Gift, or Conveyance, whether in Writing, or not, heretofore made or executed, for any Slave or Slaves in this Island.

Act not to affect previous Conveyances of Slaves. See Exception in S. 11.

X. And be it further enacted, by the Authority aforesaid, That Copies of all Bargains, Sales, Gifts, Grants, Mortgages, Conveyances, or other Assurances of Slaves, acknowledged, proved, entered, and registered in the Register's Office as aforesaid, and attested by the said Register, or his Deputy for the Time being, shall be as good Evidence, and allowed to be pleaded in any Court in this Island, as if the Original was exhibited.

Copy of Conveyance attested by Register, as good Evidence as Original.

XI.

Mortgages of
Slaves made
before Act,
not registered
in two Years,
void against
Purchasers.

See Docket of
Fees in No.
275, S. 1.

XI. Provided always, and be it enacted and ordained, by the Authority aforesaid, That all Mortgages, heretofore made of any Slave or Slaves, shall be recorded in the Register's Office of this Island, within two Years after the Date of this Act, or the same shall be null and void against Purchasers for valuable Consideration and Creditors; any Thing herein contained to the contrary thereof in any-wise notwithstanding.

XII. And whereas the Docket of Fees appointed for the Register's Office in the said Act, intituled, An Act for the better Regulation and Settlement of the Register's Office, is become useless; the Method of Conveyancing being so much altered since the making of the said Act, that a new Docket for the said Office is absolutely necessary, be it therefore enacted, by the Authority aforesaid, That the Register, or his Deputy for the Time being, shall take and receive, for all Manner of Writings by him registered, copied, or attested, the several Sums following; videlicet,

For every Writing brought to the Register's Office, of what Kind soever, to be recorded, the Register may demand and have the following Fee, that is to say, For every ninety-six Words, the Sum of Six-pence, current Money of Antigua; and if it be a Deed acknowledged before him, he shall also have, over and besides that, the Sum of three Shillings, like Money, settled, for the Attestation of the Acknowledgment thereof before him as Register; which Attestation Fee is settled by the said Act: And if the Deed happen to be a foreign Deed, and not acknowledged before the Register, then, instead of the Attestation Fee settled by the said Act, the Register may either take three Shillings for the Probate thereof, or Six-pence for every ninety-six Words of such Probate; and if there be an Acknowledgment by Attorney, before the Register, of such foreign Deed, by Power of Attorney, then the Register shall take only three Shillings for the Acknowledgment; and the Power of Attorney, if indorsed on the Deed, or contained in the Body of the Deed, shall be reckoned as Part of the Deed; but if the Power of Attorney be separately written on another Paper or Parchment, reciting or referring to the Deed or Deeds, then the same to be paid, at the Rate of Six-pence for ninety-six Words, at the Register's Office: For the copying any Paper Deed or Will, Six-pence for every Ninety-six Words: Two Shillings for Search, where any Person desires to have the Office searched, and to have the Records inspected, to be paid only for those Years the Searcher, shall require to be searched, and the Searcher to be obliged first to name the Years he will have searched, to be paid for the first Year Nine-pence, and every Year after Four-pence Halfpenny; which Fee is only to be paid where the Copy or Copies of Deed, Patent, Warrant, Return, or Claim, or Will not before bespoke; but if any such Copy is bespoke first, then, if the Thing
bespoke

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No. 198.

A. D. 1746.

bespoke be found, and a Copy taken and paid for, Nothing is to be paid for Search; but if no such Copy bespoke, or if bespoke, and no such Thing as searched for be to be found in the Office, the searching Fee shall be paid: To Attendance, where the Register is required to attend out of the Office, if in Saint John's Town, the Sum of seven Shillings, current Money; if in any other Place out of Saint John's Town, and not at the Office, fourteen Shillings, and also the further Sum of two Shillings, current Money, for every reputed Mile forward; but Nothing for the Way back again.

That the Register may demand and have all his Fees before he receives a Deed to be recorded, and before he makes his Attestation of the Acknowledgment, or may refuse to receive the Deed.

See No. 275,
S. 2.

Dated at *Antigua*, the tenth Day of *April*, one thousand seven hundred and forty-six, and in the nineteenth Year of the Reign of our Sovereign Lord **GEORGE** the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker.*

Past the Assembly the twenty-
sixth Day of *March*, one
thousand seven hundred and
forty-six.

{ Past the Council the tenth
Day of *April*, one thou-
sand seven hundred and
forty-six.

EDWARD GAMBLE,
Clerk to the Assembly.

FRANCIS PEARCE,
Dep. Clerk to the Council.

Past by the Chief Governor, the tenth Day of *April*, one thousand seven hundred and forty-six.

WILLIAM MATHEW.

An

No. 199.

For Laws promoting the WHITE POPULATION, see Nos. 118, 123, 127, encouraging Settlers; Nos. 153, 194, 206, 214, 295, 569, encouraging the Importation of Servants.

An Act to explain and amend an Act, intituled, An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers, now to be disbanded, to continue therein, by enabling them to become Settlers amongst us, dated the twenty-fourth Day of December, one thousand seven hundred; and also to explain and amend one other Act, intituled, An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein, dated the fifteenth Day of July, one thousand six hundred seventy and nine.

PREAMBLE.

Defect in Act No. 118.

WHEREAS by an Act, intituled, *An Act for the further promoting the Number of the Inhabitants of this Island, and more particularly encouraging the King's Soldiers, now to be disbanded, to continue therein, by enabling them to become Settlers amongst us*, dated the twenty-fourth Day of December, one thousand seven hundred, it is provided, in relation to Lands granted by the Governor, Council, and Assembly of this Island, in Parcels of ten Acres, that on the Party's deserting it for twelve Months to whom granted, or the Heirs of his Body being extinct, the Lands so granted shall revert to, and again vest in, His Majesty, His Heirs and Successors, to be from Time to Time, as often as it shall so happen, distributed to others by the Governor, Council, and Assembly; but no Provision is therein made, in case the same shall be deserted by the *Heirs of the Body of such first Grantee*; by which Means several Parcels of such publick Lands in this Island remain waste and unmanured, no new Grantees being willing to spend their Time and Substance in improving the same, where there are Heirs of the Body of the first Grantees in being, notwithstanding the said Lands are deserted by the said Heirs, and many of them not upon this Island:

II. To remedy which Inconveniency for the future, we Your Majesty's most dutiful and loyal Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands, and the Council and Assembly of this Your Majesty's Island *Antigua*, do pray Your
Sacred

20th GEO. II.

No. 199.

A. D. 1747.

Sacred Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That all and every of the said small Parcels of Publick Land, which shall for the future be granted to any Person by the Governor, Council, and Assembly of this Island, pursuant to the above recited Act, and which shall be deserted by the Heirs of the Body of such original Grantees for the Space of twelve Calendar Months, and all and every Parcel of the said Lands, at this Time held and possessed by Virtue of any former Grant, whether by the first Grantee, or such as claim under him, and shall be deserted by the present Possessor, or any other to whom it shall hereafter descend, for the like Space of twelve Calendar Months, shall revert to His Majesty, His Heirs and Successors, and shall be disposed of as in the said Act is provided, in Case of Desertion by the Person to whom granted; any Law, Custom, or Usage, to the contrary notwithstanding.

ACT.
Lands granted
under Act,
No. 118, if de-
serted by
Grantee, Heirs
or Claimants,
for 12 Months,
to revert;

and be dispos-
ed of as No.
118 provides
in Case of De-
sertion.

III. And be it, and it is hereby enacted and ordained, by the Authority aforesaid, That all Persons now having Right and Title to any Country Lands in this Island, and having deserted the same for twelve Months past, and who shall not claim the same within Twelve Months, by Petition to the Legislature of this Island, where the said Lands are not again granted, or by bringing their Action within the like Time, when the Lands are granted to others, all such Persons are hereby debarred and disabled to recover or possess the same, except they shall obtain a new Grant from the Governor, Council and Assembly, as directed in the said Act.

Clause tempo-
rary.

IV. And be it enacted and ordained, by the Authority aforesaid, That any Person neglecting personally, or by his or her Family, Servants, or Slaves, to occupy and manure the Publick Lands which they are intitled unto, or that shall lease the same, shall be held and deemed a Deserter within the Meaning of this Act, Infants excepted, who shall also be deemed Deserters, if they shall, at any Time after coming of full Age, neglect to occupy and manure as aforesaid, or shall lease any Publick Lands which shall descend to them.

Persons (ex-
cept Infants)
either not oc-
cupying or
leasing Lands
to which they
are intitled, to
be deemed De-
serters.

V. And whereas the Widows of Persons who have died seised of such small Parcels of Publick Lands, have of late sued for and recovered Dower in the same, which may prove of bad Consequence, especially when the Deceased leaves no Issue, the Two-thirds of such small Parcels of Lands, and of the little Settlements made thereon, not being a sufficient Encouragement for new Grantees to proceed in

Widows of Possessors of small Parcels of Public Land hereafter descending or granted, not entitled to Dower:

To receive 30% from Public Treasury in Lieu.

Clause temporary.

RECITAL.
No. 50, S. 2.

cultivating thereof: therefore be it, and it is hereby enacted and ordained, by the Authority aforesaid, That no Widow of any future Grantee of Publick Lands, or of any Person to whom Publick Lands shall hereafter descend, shall be intitled to or recover any Dower out of such Lands, or the Settlements thereon made, but the same shall descend to the Heirs of the Body according to Law; or in case of Failure of Issue, shall again be granted by the Governor, Council, and Assembly of this Island, free and discharged of and from all Right and Title of Dower whatsoever; any Law, Custom, or Usage to the contrary notwithstanding: And the Widow of any such future Grantee, or Person to whom such Publick Lands shall hereafter descend, upon Petition to the Commander in Chief upon the Island, and the Council and Assembly of the same, setting forth her Marriage with the Deceased, and that he died seised of an Estate of Inheritance in Publick Lands, and making due Proof of the Premises, shall receive, out of the Treasury of this Island, the Sum of thirty Pounds, current Money, in full Satisfaction for her Dower, hereby taken away.

VI. *And be it, and it is hereby further enacted and ordained, That any Women, who is or shall be Wife of any Person at this Time seised of an Estate of Inheritance in any of the said Publick Lands, and becoming a Widow, shall have her Election whether she will take her Dower in the said Lands and Tenements thereon, or accept of thirty Pounds, to be obtained as aforesaid, in Lieu and full Satisfaction of her Dower; provided the said Election be made, by preferring her Petition as aforesaid within six Calendar Months after the Decease of her Husband, and not afterwards.*

VII. And whereas also by an Act, intituled, *An Act for the Encouragement of Settlers and Builders in the Town, and for ascertaining the Titles of Land and Houses therein*, it is enacted and ordained, That from and after the Date thereof, all and every Proportion of Land that already is, or hereafter shall be granted to any of His Majesty's Subjects, in any of the Towns within this Island, that shall thereon build and erect, in and upon every such Proportion of Land, a framed Timber House, covered with Shingles, or otherwise, (provided such House be not thatched,) or builded with Brick or Stone covered as aforesaid, within six Months after the Date of the Return of such Warrants into the Register's Office, all such Lands and Houses shall from thenceforth be taken, deemed, and held to be Freehold and Inheritance in Fee-simple to all such Person or Persons, their Heirs and Assigns respectively for ever.

VIII.

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No. 199.

A. D. 1747.

VIII. And whereas several Persons, who have heretofore obtained Grants of Proportions of Land in the Towns of this Island, and have built Houses thereon, pursuant to the said last recited Act, have afterwards suffered the same to go to Ruin; so that for many Years there have not been the least Appearance of Houses thereon; and, in some Cases, Persons having Title to such waste Proportions of Land, have suffered their Titles to the same to lie dormant and unknown, until others have obtained Grants, and built Houses, and made other Improvements thereon, and then have brought Actions for and recovered the same; all which have proved a great Inconvenience to the Publick, as well as to private Persons, and great Hindrance to the well-settling and building the several Towns in this Island: For the Prevention of which for the future, and for the further Encouragement of Persons to build and settle in the several Towns in this Island, be it, and it is hereby enacted and ordained, That every Proportion of Land in the several Towns of this Island, which at this Time are unbuilt, or in a ruinous Condition (that is to say) That have not thereon, in good tenantable Repair, a framed and shingled House, or a Brick or Stone House, of thirty Feet in Length and fifteen in Breadth at least, as by a former Law of this Island is required, and that shall continue in such Condition for the Space of three Years from the Date hereof: And every Proportion of Land in any of the said Towns which is now, or hereafter shall be, built on as by Law required, and shall afterwards become ruinous as aforesaid, and shall continue so for two Years successively, shall be held and deemed, and are hereby declared to be waste Land; and the Provost Marshal, or his lawful Deputy, is and are hereby impowered and required, upon Information from any Person of good Credit, of any such waste Land in any of the Towns, or if he shall know thereof himself, to proceed to sell the same, at Publick Outcry, to the highest Bidder, at the Setting of the Sun on the Day of Sale, giving at least ten Days Notice of the Time and Place of Sale, by three Publications in Writing signed by him, in which the Situation of the Land, with its Buts and Bounds, shall be inserted; two of which Publications shall be affixed up in the most Publick Places of the Town in which the Land lies, and the other on or as nigh as may be to the Land to be sold; and the Provost Marshal, or his Deputy, upon receiving the Purchase-money, shall give a Receipt for the same, specifying therein the Situation and Buts and Bounds of the Land, and the Time and Place of Sale; and he shall immediately pay the Purchase-money into the Treasury

Act.

Proportions of Land in Towns built on according to No. 126, S. 9. suffered after to be ruinous for two Years, to be deemed waste Land, and sold at Outcry to highest Bidder, &c.

Marshal to give Receipts, and pay Purchase-money into Public Treasury, retaining for his Trouble five per Cent.

20th GEO. II.

No. 199.

A. D. 1747

Treasury of this Island, for the Use of the Publick, first deducting thereout five *per Cent.* to himself for his whole Trouble.

Purchaser upon Petition, to have Grant; and gain, by building according to Law Inheritance for ever, unless forfeited by Waste under S. 8.

IX. And be it, and it is hereby enacted and ordained, That the Purchaser, upon his or her Petition to the Commander in Chief upon the Island, and the Council, with the Provost Marshal's Receipt thereto annexed, and therein referred to, shall have a Grant of the Land so sold; and upon building thereon as by Law required, shall have therein a good and firm Estate of Inheritance for ever, unless the same shall again become waste within the Meaning of this Act.

Suits for Lands sold under Act, or for Dower therein, to be defended at Public Expence. Plaintiff making Title to recover Value in Money, (deducting One-sixth where Dower:) not the Land.

X. And be it, and it is hereby enacted and ordained, That if any Suit or Action in Law or Equity be brought, for Lands sold by the Marshal pursuant to this Act, or for Dower therein, the Treasurer of this Island, upon Notice given him, by leaving the Declaration or other Process at his Office, shall defend the same, at the Publick Expence; and if in such Suit or Action, the Plaintiff shall make appear a good and lawful Title, he or she shall recover in Damages the full Sum for which the said Lands were sold, and no more, unless a Demand or Right of Dower be then subsisting; in which Case, only Five-sixths shall be recovered; and the Treasurer, upon a proper Certificate of such Recovery, shall pay the same, without any further Act or Order; but no Judgment or Decree shall pass for the Land itself.

After Recovery of full Value, the One-sixth for Dower, if not then sued for, to be recoverable only against the Persons who have recovered such full Value.

XI. And be it, and it is hereby further enacted by the Authority aforesaid, That after the full Value of any such Lands shall be recovered, all Right of Dower, which shall hereafter accrue, or that shall be then subsisting, but not then demanded or sued for, shall be recoverable only against such Person or Persons as shall have recovered the whole Value as aforesaid, and not against the Publick, or any Person or Persons possessing such Lands by Virtue of the Marshal's Sale, and a Grant from the Governor and Council as aforesaid; and all Persons so recovering in Dower shall recover One-sixth Part of the Value such Land sold for, and no more.

Actions not brought in three Years after Sale or Removal of legal Disability, barred.

XII. Provided always, That such Suit or Action be brought within three Years from the Time of the Marshal's selling the Land; and all Persons not suing within three Years from the Time of the Marshal's Sale, are hereby absolutely barred to recover even the Sum for which it was sold, except such as are Infants under the Age of twenty-one Years, Women under Coverture, Persons *non compos*, or in Prison, or beyond Sea at the Time when the Sale is made, who, upon bringing their Suit or Action within three Years after such Impediments

20th GEO. II.

Nis. 199, 200.

A. D. 1747.

Impediments are removed, and making a Title appear as aforesaid, shall recover the Sum the Lands sold for as aforesaid; but not the Land itself.

Dated at *Antigua*, the tenth Day of *June*, one thousand seven hundred and forty-seven, and in the twentieth Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker*.

Past the Assembly the twenty-ninth Day of *April*, one thousand seven hundred and forty-seven.

Past the Council the twelfth Day of *May*, one thousand seven hundred and forty-seven.

EDWARD GAMBLE,
Clerk to the Assembly.

WYSEMAN CLAGETT,
D. Clerk to the Council.

Past by the Chief Governor the tenth Day of *June*, one thousand seven hundred and forty-seven.

WILLIAM MATHEW.

An Act for compleating, executing, confirming, and establishing certain Contracts, made by a Committee of the Council and Assembly, and the Treasurer of this Island Antigua, for erecting a Publick Court-House, upon the Place commonly called the Market-Place, in the Town of Saint John in Antigua, and appropriating the same Court-House, when built, to certain Publick Uses; and for indemnifying the said Committee and Treasurer, upon account of entering into the same Contracts; and for repaying certain Monies

No. 200.

REPEALED
IN PART by
Act of 21st
April, 1801,
(No. 555.)

Monies lent upon the Publick Faith, for and towards carrying on the said Court-House, and for borrowing Monies to compleat the same; and for raising a Fund for defraying the Expences of the said Building, and other the aforesaid Purposes; and for appointing and ascertaining a Place to be the lawful Market-Place for the said Town of Saint John's.

PREAMBLE.

WHEREAS many Inconveniences arise from holding of Meetings of the Legislature of this Island, and Courts of Justice, in such a House or Building as now is or can be rented by the Publick of this Island for those Purposes; and the same Inconveniences always did and must follow the holding such Meetings in private Buildings, none of which are contrived properly for such Purposes, being generally much too small; so that all Persons who are obliged to attend on such Occasions, suffer great Overheatings and Expence of Spirits, which there is good Reason to think has occasioned much Sickness, and even to have caused the Death of many Persons; and besides there are no Conveniences in such private Buildings for the Grand Juries and Petty Juries to be in, or withdraw to separately, but they have been forced often to retire to Taverns, and other Houses adjacent, while the Courts have been sitting:

II. And whereas hitherto no Provision has been made for the keeping, in any certain Places, the Offices of Secretary and Provost Marshal of this Island; from whence also many Inconveniences have followed:

III. And whereas the said Town of *Saint John* is the Capital-Town and Grand-Mart-of-Trade in *Antigua*, and is daily improving, and the Number of Inhabitants thereof increasing; wherefore the Premises being duly weighed and considered by the Legislature of this Island, it has been resolved, that the said Publick Inconveniences ought to be remedied as soon as possible, by erecting a Publick Building, to be called a Court-House, to be appropriated to the Uses and Purposes herein-after mentioned, to be paid for by Monies to be raised by a Publick Tax:

IV. And whereas *Andrew Lessly*, Esquire, one of the Members of His Majesty's Council for this Island of *Antigua*, *Robert Christian*, Esquire, and *William Furnell*, Esquire, two of the Members of the present

21st GEO. II.

No. 200.

A. D. 1748.

present Assembly of the same Island, on or about the fifth Day of *June*, in the Year one thousand seven hundred and forty seven, were appointed a Committee to contract with Workmen and collect Materials, or otherwise to contract with Undertakers for building a Publick Court-House, after a proper Plan should be agreed upon for the same, of which two or three different Plans were then designed; and on the fifteenth Day of the same Month of *June*, a proper Plan for building the same Court-House was agreed on by the Legislature of this Island:

V. And whereas also at a Meeting of the Council and Assembly of this Island, on the thirtieth Day of the same *June*, it was agreed by them, that their said Committee might be and was impowered to borrow any Sum not exceeding two thousand Pounds Sterling; for Re-payment whereof in Specie, with Interest, the Publick Faith was then engaged:

VI. And whereas the said Committee did treat with Undertakers for the same Building (to wit) with *William Lowry*, Mason, for the Mason's Work thereof; and with *Duncan Grant*, Carpenter, for the Carpenter's Work, and all other Workmanship thereof; and with *Robert Bannister*, Planter, for finding all Stone for the said Building, and landing such Stone in *Saint John's Town* aforesaid; and afterwards signified the Heads or Substance of such Treaty to the Council and Assembly of *Antigua*, at their Meeting, upon the twenty-first Day of *July*, in the Year one thousand seven hundred and forty-seven; and at the same Meeting, upon a Motion made by the said *Robert Christian*, to have Leave to bring in a Bill to indemnify the Treasurer, or any of the said Committee who should become Security, on Behalf of the Publick, to the Undertakers for building the same Court-House, and particularly appropriating the Plot of Ground commonly called the *Market-Place* for that Purpose, it was ordered by the said Assembly, that the said *Robert Christian* should have Leave to bring in a Bill for that Purpose; and thereupon, at the last-mentioned Meeting, the same Assembly did signify, by written Message to the Council of *Antigua*, that the said Undertakers having insisted, with the Committee of the two Houses, on having private Security for Performance of Covenants on Behalf of the Publick, and as it might perhaps be also necessary to appropriate particularly the Ground commonly called the *Market-Place* to this Use, the Assembly should also order a Bill into their House for those Purposes; but as it could not be expected that the Committee should engage and bind themselves, before they had some Assurance of being indemnified, the Assembly should be glad

glad the Council would signify their Approbation of such a Bill, and their Consent, that the Treasurer, or any of the Committee, who should become bound as above, should be indemnified by the Publick, or to that Purpose and Effect; and at the same last-mentioned Meeting, the Council, by written Message to the Assembly, did agree, that the Ground commonly called the *Market-Place*, for the building a Publick Court-House, be appropriated particularly to that Use, and that a Bill should be brought into the Assembly accordingly; and did also agree, that a Clause should be inserted in the said Bill to indemnify all or any of the Committee appointed for that Purpose, or the Treasurer, who should become bound to the Undertakers, or to that Effect, as by the same Minutes, entered in the Journals of the Council Board of *Antigua*, and the Journals of the Assembly of *Antigua*, may more at large appear:

VII. And whereas also the Council and Assembly of this Island are fully satisfied, that no other Place or Piece of Ground in the said Town of *Saint John*, but the said Place used as a Market-Place, can be had sufficient or spacious enough to build the said Court-House upon, and that no Inconvenience will follow from appropriating the said Ground, now used as a Market-Place, for building the said Court-House upon, there being another void Piece of Ground, herein-after more particularly described, lying opposite to the said Place now used as a Market-Place, and belonging to the Publick of *Antigua*, which is now applied to no Use, and is sufficient for a Market-Place for the said Town of *Saint John*, but not sufficient nor proper to build the said Court-House upon; and that the said Court-House may be built upon the said Place now used as a Market-Place, without Annoyance or Injury to any the Dwelling-houses or Buildings erected contiguous thereto:

VIII. And whereas the Council and Assembly of *Antigua* have humbly represented it to Your Majesty's present Governor in Chief of the *Leeward Caribbee Islands in America* as their Opinion, that no Intention of any of the Acts of *Antigua* will be any-way contravened by building the said Court-House upon the said Place now used as a Market-Place; which when built will be not only of most necessary Publick Service, but a great Ornament to the said Town of *Saint John*:

IX. And whereas by Virtue and in Pursuance of the said Votes and Resolutions of the Council and Assembly, certain Articles of Agreement have been drawn and laid before the Council and Assembly of *Antigua*, between the said Committee and Treasurer, and the said

William

21st GEO. II.

No. 200.

A. D. 1748.

William Lowry, Duncan Grant, and Robert Bannister, for building the said Court-House; which Draught hath been fully considered and approved by the same Council and Assembly, and by the said *William Lowry, Duncan Grant, and Robert Bannister*, and their Council at Law, and the same Draught ready to be signed by the Parties thereto, with Blanks for the Date, in order to be ingrossed and executed:

X. And whereas the said Committee, upon Strength of the several Votes and Resolutions aforesaid of the Council and Assembly of *Antigua*, have borrowed, upon the Credit and Publick Faith of the said Island of *Antigua*, from the several Persons following, on the several Days herein-after mentioned, the following Sums of Money, to be applied towards building the said Court-House (that is to say) From *Stephen Blizzard and Jonas Langford*, Esquires, Executors of the last Will and Testament of *Samuel Watkins*, late of this Island, and from *Stephen Blizzard, Jonas Langford, William Mackinnen, and Robert Christian*, Esquires, Executors of the late *Thomas Watkins*, Esquire, the Sum of seven hundred and forty-six Pounds twelve Shillings and four Pence Farthing Sterling, lawful Money of *Great Britain*, on the fourteenth Day of *August*, one thousand seven hundred and forty-seven; and from *Jonas Langford*, Esquire, the Sum of twelve hundred and fifty-three Pounds seven Shillings and seven Pence three Farthings Sterling, lawful Money of *Great Britain*, on the fourteenth Day of *August*, one thousand seven hundred and forty-seven.

XI. And whereas many Materials have been brought into Place, and the Foundation of the said Court-House actually laid out, and inclosed with a Fence of Boards, and the Works thereof considerably proceeded upon;

XII. We Your Majesty's most loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands* in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Sacred Majesty, that it may be enacted and ordained, and be it enacted and ordained by the Authority aforesaid, That the said Publick Court-House shall be built in the said Place, formerly used as the Market-Place, in the said Town of *Saint John*, according to the Plan agreed upon as aforesaid, fronting to the Southward, and according to the said Agreement and Articles entered into by the said Committee with the said *William Lowry, Duncan Grant, and Robert Bannister*, with all convenient Speed, until the same shall be compleatly finished.

Act.
Court-House
to be built in
St. John, on
the Scite of
the old Mar-
ket-Place.

Agreement
ratified; Pub-
lic Agents
named to exe-
cute it.

XIII. And be it, and it is hereby further enacted, by the Authority aforesaid, that the said *Andrew Lessly, Robert Christian, and William Furnell*, the Members of the said Committee of Council and Assembly, and the said *Ashton Warner*, present Treasurer of *Antigua*, shall be and are hereby impowered to execute the said Agreement on Behalf of the Publick of this Island of *Antigua*; and the same Agreement is hereby approved, ratified, and confirmed.

Void Land
called the
Market-Place
allotted for
Court-House
and Inclosure,
so as no Part
be built on any
Street crossing
it, nor within
20 Feet of
Houses on the
East or West
Side.

XIV. And be it, and it is hereby further enacted, by the Authority aforesaid, That the Place or great Square of void Land, commonly called and formerly used for the *Market-Place*, in the Town of *Saint John* in *Antigua*, shall be and is hereby allotted and appointed for building the said Court-House upon, with the Inclosure of the same Court-House, if any Inclosure thereof shall be; and the same shall be built on such Part thereof as the said Committee of Council and Assembly hath directed or appointed, or as any other Committee of Council and Assembly of *Antigua*, hereafter for that Purpose to be appointed, shall direct or appoint; so that no Part of the same shall be built upon any Part of any usual known Street in the Town of *Saint John*; nor shall any Part of the same Court-House be built within twenty Feet of any Person's Dwelling-house or Buildings, which are now erected and situate on either the East or West Side of the said Place formerly called the *Market-Place*; but a Street or Space, of the Number of twenty Feet at least, to be left between the said Court-House and the same Buildings and Dwelling-houses, at the East and West Side of the same Market-Place; and that on whatever Part of the said Place formerly called the *Market-Place* the same Court-House shall be built, no Part thereof shall encroach, or be built upon any Part of any known Street; but at least the full Breadth of the known Street, running from East to West on the North and South Sides of the same Place formerly called the *Market-Place*, be continued, for the whole Length of the same North and South Sides of the said Place formerly called the *Market-Place*.

Scite and
Court-House,
when built,
to vest in the
King.

XV. And be it, and it is hereby further enacted, by the Authority aforesaid, That the Ground and Soil whereon the same Court-House and its Inclosure are appointed to be built, and the same Court-House and Inclosure, when built, are and shall be vested and estated, and are hereby vested and estated in His Majesty, His Heirs and Successors, to be and continue for ever unalienable and not grantable over for any other Uses, Estates, Intents, or Purposes, to be occupied and used to and for the several Publick Uses, Intents, and Purposes following (that is to say) For the Meetings of the Legislature of this Island, and every or any Branch or Branches

21st GEO. II.

No. 200.

A. D. 1748.

Branches of the same Legislature ; for holding Courts of Justice ; and for Publick Offices for the Secretary of this Island for the Time being, or his lawful Deputy, and for the Provost Marshal of this Island for the Time being, or his lawful Deputy, in the Manner following (that is to say) That the Room above Stairs, on the East End and North Side, shall be for the Governor and Council to sit in on Council Days and Privy-Council Days, and when the Council and Assembly meet ; that the middle Room above Stairs, on the North Side, shall be a Lobby or Passage between the Room where the Governor and Council shall sit and the Room where the Assembly shall sit ; and that the Room above Stairs, on the North Side and West End, shall be the Room where the Assembly and their Committees shall sit ; and that the long Room below Stairs, to the North Side, shall be for Sitzings of all Courts of Justice to be held for this Island ; and when neither Council nor Assembly shall be therein sitting, the Rooms aforesaid above Stairs shall be made use of for Grand Juries or Petty Juries in Criminal Causes, and for Juries in Civil Causes : [and that the upper and lower Rooms in the Returns, at the East End of the said Court-House, shall be the Office of Secretary of this Island ;] and that the upper and lower Rooms in the Return, at the West End of the said Court-House, shall be the Office of Provost Marshal of this Island, or their respective Deputies for the Time being ; [for which two Rooms, so appointed for the Secretary's Office, the said Secretary, or his lawful Deputy for the Time being, shall pay yearly, on the first Day of May, the Sum of forty Pounds, current Money of Antigua, in Gold or Silver, or by Discompt with the Publick, and so in Proportion for less than a Year ;] and for the said two Rooms, so appointed for the Office of Provost Marshal, the said Provost Marshal, or his Deputy for the Time being, shall pay yearly, on the said first Day of May, the Sum of forty Pounds, current Money of Antigua, in Gold or Silver, or by Discompt with the Publick, and so in Proportion for less than a Year ; all which Rents shall be paid, without Demand being necessary, into the Hands of the Treasurer of Antigua, or his lawful Deputy for the Time being ; and on Default of Payment shall be recoverable, by Action of Debt, in any Court of Record of Antigua, in the Name of the Treasurer of Antigua for the Time being, or his lawful Deputy, for the Use of the Publick of Antigua, with full Costs of Suit ; in which no Essoign, Protection, or Wager of Law shall be allowed.

XVI. And be it, and it is also further enacted, by the Authority aforesaid, That after the said Court-House shall be compleatly finished, the Governor in Chief of these Leeward Islands, or Person

For Legisla-
ture, Judica-
ture, and Pub-
lic Offices ;

Division and
Use of Apart-
ments.

By No. 555, S.
1. 2. so much
of Clause as
assigns the
Upper Room
in the Return
at East End,
for Part of Se-
cretary's Office
repealed ; and
a Apartment
in South West
Wing of
Guardhouse
and Arsenal,
substituted for
Secretary's Re-
cords.

Secretary and
Marshal to pay
40l. each, an-
nually, as
Rent.

On Default,
recoverable,
&c.

Secretary and
Marshal to
transact Offi-
cial Business
in Rooms
assigned on
Penalty of 40s.
per Day.

*Repealed as to
the Occupation
of said Upper
Room by the
Secretary.*

Doors, Win-
dows, &c. to
be kept in
Repair by
Occupiers
under Act.

*Repealed as to
the Repair of
said Upper
Room by the
Secretary.*

being personally in Chief Command in this Island, with Consent of the Council and Assembly of the same, shall and may make an Order or Orders, to be entered in the Journals of both the said Council and Assembly, for the said Secretary and Deputy, and Provost Marshal and Deputy, severally and respectively to keep their Offices, and the Records thereof, in the said Rooms hereby assigned and appointed for the same; and to do the same by a certain Day or certain Days, in such Order or Orders to be settled and fixed: And if either of the said Secretary or Deputy, or Provost Marshal or Deputy, after Notice had, by a Copy or Copies of such Order or Orders, shall fail to remove the Records of their respective Offices to the proper Rooms aforesaid, and to begin and continue their Offices each in his said proper Rooms of the said Court-house, each so failing shall forfeit forty Shillings, current Money of *Antigua*, a Day, reckoning-in *Sundays* as Days, for each Day he shall neglect so to do; and all Successors in each of the said last-mentioned Offices of Secretary and Provost Marshal, without any particular Notices, shall be obliged each, upon like Penalty of such forty Shillings a Day, to continue to keep the same Offices respectively, and the Records of the same, in the said Rooms.

XVII. And be it, and it is hereby enacted by the Authority aforesaid, That the Doors, Windows, Window-shutters, and Floors of the Rooms, so set apart and appointed for the Offices of Secretary and Provost Marshal for the Time being, shall be each of them kept constantly in Repair by the respective Officer occupying or possessing it by Virtue of this Act; and the said Secretary and Provost Marshal for the Time being, when there shall be Occasion to find new Window-shutters, Locks, Hinges, Bolts, and Panes of Glass, for the Doors and Windows of their respective Offices, shall find Window-shutters, Locks, Hinges, Bolts, and Panes of Glass, of the same Size and Goodness as belonged to the said Offices when they entered respectively into them: And if the said Secretary and Provost Marshal shall neglect or refuse, on Notice given by the Treasurer, to make the necessary Repairs as aforesaid, they, or such of them, so neglecting or refusing to make the necessary Repairs in six Months after Notice given as aforesaid, shall forfeit the Sum of thirty Pounds for each Neglect or Refusal, to be recovered by Action of Debt, in any Court of Record of *Antigua*, in the Name of the Treasurer of *Antigua* for the Time being, or his lawful Deputy, to the Use of the Publick of *Antigua*, with full Costs of Suit; in which no Essoign, Protection, or Wager of Law shall be allowed.

XVIII.

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XVIII. And to the End that a sufficient Fund may be established and raised, for paying the Expences of building the said Court-house, and for indemnifying the said Committee and Treasurer from all Costs, Damages, Suits, and Expences which may happen by reason of their entering into the said Contract and Agreement, and that they may be enabled to execute the same, on Behalf of the Publick of this Island *Antigua*, we Your Majesty's said Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do give and grant unto Your Majesty, Your Heirs and Successors, and humbly pray Your Majesty, Your Heirs and Successors, to accept of the several Sums of Money herein-after enacted to be raised and levied, to be applied to the several Uses, Intents, and Purposes herein-after mentioned: And therefore humbly pray, that it may be further enacted and ordained, and be it, and it is hereby further enacted and ordained, by the Authority aforesaid, That all and every Person or Persons, whatsoever, having or holding any Slaves, or who shall have or hold any Slaves, young or old, on the Days or in the Years herein-after mentioned, within this Island, or any the Islands thereunto adjacent and belonging, in their own Right, or the Right of any other Person or Persons whatsoever, shall pay as followeth (that is to say) on the first Day of *August* which shall be in the Year of our Lord one thousand seven hundred and forty-nine, the Sum of two Shillings and six Pence, Gold or Silver, current Money of *Antigua*, for each such Slave which shall have been had or held by each such Person on the first Day of *July* in the last-mentioned Year; and on the first Day of *August* which shall be in the Year of our Lord one thousand seven hundred and fifty, the like Sum of two Shillings and six Pence, Gold or Silver, current Money of *Antigua*, for each such Slave which shall have been had or held by each such Person on the first Day of *July* in the last-mentioned Year; and on the first Day of *August* which shall be in the Year of our Lord one thousand seven hundred and fifty-one, the like Sum of two Shillings and six Pence, Gold or Silver, current Money of *Antigua*, for each such Slave which shall have been had or held by each such Person on the first Day of *July* in the last-mentioned Year; and on the first Day of *August* which shall be in the Year of our Lord one thousand seven hundred and fifty-two, the like Sum of two Shillings and six Pence, Gold or Silver, current Money of *Antigua*, for each such Slave which shall have been had or held by each such Person on the first Day of *July* in the last-mentioned Year; all which Payments shall be made into the

Grant of temporary Taxes,
as a Fund for
Building.

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the Hands of the Treasurer of *Antigua* for the Time being, or his lawful Deputy, in Gold or Silver Money.

Temporary.

XIX. And for better taking the Accounts of the Number of Slaves as aforesaid, be it, and it is hereby enacted by the Authority aforesaid, That some Time in the Month of *June* in each of the said Years one thousand seven hundred and forty-nine, one thousand seven hundred and fifty, one thousand seven hundred and fifty-one, and one thousand seven hundred and fifty-two, and at least ten Days before the End of the same Month of *June* in each of the same Years, the said Treasurer, or his lawful Deputy for the Time being, shall apply, by Letter or otherwise, to one Justice of the Peace in each Division of this Island, and to one Justice of the Peace for *Saint John's* Town in this Island of *Antigua*, with a Warrant for each such Justice, ready drawn, with Blanks for Date and Day, Time and Place for Appearance; and for want of a Justice of the Peace in any such Division or Divisions, then to a Justice of the Peace of a neighbouring Division, who is to act in and for the Division where such Justice is wanting respectively, to fill up, sign, seal, and issue out such Warrants respectively, to the Constables or a Constable of each such Division, and for the Town of *Saint John* aforesaid, to summon the Inhabitants of such Divisions and Town respectively to appear before such Justices respectively upon the first Day of *July*, if it be not *Sunday*; and if it be *Sunday*, on the second Day of *July*, at such Time of Day and Place as such Justice shall appoint in that Division, or in the Town of *Saint John*, for which such Account of Slaves is to be taken before the Justice issuing such Warrant; or in case of his Sickness or Absence, before any Justice of the Peace for *Antigua*, that then and there for that Purpose shall attend; to give an Account upon Oath, as herein after directed, of his or her Slaves; and the said Justices respectively, upon such Application, are to fill up, complete, and issue out such Warrant to the respective Constable or Constables, at least five Days before and exclusive of the Day of Appearance, and shall attend to take the Account, if well, on the Day hereby for that Purpose appointed; and such Justice, being not well or able to attend, is to give Notice to any other Justice of that Division, or any neighbouring Division, to attend for him, who upon such Notice, is to attend, at the proper Time and Place, and take the Account of Slaves; and every Person giving such Account shall take the following Oath; or if a known Quaker, shall affirm as Law directs; *videlicet*,

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I A. B. [naming him or her self] *do swear* [or if a Quaker, solemnly *Temporary.* affirm, in the Form directed by Law] *that I will give a just and true Account of the Number of Slaves whereof, upon this first Day of July now Instant, I am any way in Possession, either in this Island, or any the Islands thereunto adjacent and belonging, in my own Right, or in the Right of any other Person or Persons, for the Taxes of which I or my Employer, or to whom I am Overseer or Manager, are or is answerable, either by the Laws of this Island, or by Virtue of any Agreement with any Person or Persons whatsoever; and that I have not removed any Slave or Slaves from this Island of Antigua, or from any the Islands thereto adjacent and belonging, to any other Place, to evade the Taxes imposed for or in respect of such Slave or Slaves.*

SO HELP ME GOD.

And each such Justice is hereby required, before the tenth Day of *Temporary.* July next following such Application by the Treasurer or Deputy in each such Year respectively, to make a Return in Writing under his Hand, into the Treasurer's Office of *Antigua*, of the Persons' Names and for what Division, or for the Town of *Saint John* respectively, giving such Account of Slaves before him, and of the true Number of Slaves so accounted for, and of the Names of those summoned, and making Default of Appearance; and the Constables respectively shall summon the Inhabitants at least forty-eight Hours before the Time required for their Attendance; and each Constable shall give in upon Oath, before the Justices of their respective Division and Town of *Saint John*, on the said Day and Place so appointed for Attending to account, the Names of each Inhabitant summoned in a written List; which written List, sworn to by the Constables, shall be certified by the Justice to the Treasurer of this Island.

XX. And be it enacted by the Authority aforesaid, that upon *Temporary.* receiving such Returns, the Treasurer of this Island, or his lawful Deputy for the Time being, is without Delay to issue Warrants to the respective Constables to summon the Defaulters to appear at the Treasurer's Office in the Town of *Saint John*, at some certain Hour of some Day before the twenty-fifth Day of *July* in such Year, to give in, upon Oath or Affirmation as before directed, before the Treasurer or his Deputy (who are hereby severally impowered to administer such Oath or Affirmation) the aforesaid Account of Slaves, according to the Number possessed on the first Day of the then instant *July*; and each such Person as shall make Default of Appearance before the Justices, shall be summoned to appear before the Treasurer

Treasurer or Deputy, either personally, or by Notice in Writing, left at his or her last Place of Abode with some White Person, signifying the Day and Hour of the Day when to appear at the Treasurer's Office in *Saint John's Town*, and that it is to give in the Account of his or her Slaves; and such last-mentioned Summons to be served at least two Days before the Day of Appearance, under Pain of the Constable's forfeiting fifty Pounds, in Default of summoning duly all Defaulters as last-mentioned; and all such Persons, who, being so summoned as last-mentioned, shall make Default of Appearance or Duly-accounting as last-mentioned, before the Treasurer or his Deputy, shall pay and shall be charged in the said Treasurer's Books with double the Taxes for that Year hereby imposed on his or her Slaves, according to such Number as the Treasurer or his Deputy can discover such Defaulters to have each had on the first Day of *July* in that Year.

Temporary.

XXI. Provided always, That if in any of the said Years for which Taxes are hereby imposed, it shall so happen that upon any other Tax Act of this Island, to be hereafter passed, an Account of the Inhabitants' Slaves shall be taken before the first Day of *July* in such Year or Years, that then for the Year or those Years no Account shall be taken again of such Slaves under this Act; but for such Year and Years the Tax hereby imposed shall be paid, according to such Number of Slaves as shall be taken and returned for the same Year or Years by such other Tax Act or Tax Acts.

*Temporary,
applying to
S. 19. 20.*

XXII. And be it, and it is hereby also further enacted, by the Authority aforesaid, That every Justice of the Peace, being so applied to by the Treasurer, or his lawful Deputy, and refusing or neglecting timely to do any the Matters herein before required to be by such Justices done or executed, shall forfeit and pay fifty Pounds, current Money of *Antigua*, to be recovered in the Name of His Majesty, His Heirs or Successors, or in the Name of the Treasurer of *Antigua* for the Time being, in any Court of Record of *Antigua*, by Information or Action of Debt, with full Costs of Suit, to the Use of His Majesty, His Heirs and Successors, to be paid into the Hands of the Treasurer of *Antigua* for the Time being, and to be applied towards Support of the Forts and Fortifications of this Island, and to be determined in the Court where first begun, and not to be liable to be removed by *Certiorari*, or otherwise, except by Writ of Error, if such Writ of Error may be had by Law, and agreeable to His Majesty's Royal Instructions to His said Chief Governor.

XXIII.

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No. 200.

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XXIII. And be it also further enacted by the Authority aforesaid, *Temporary.* That no Oath shall be admitted to be taken of any Number of Slaves, but by the Persons actually possessing in their own or some other Person's Right; and no Overseer or Manager, or other Person, not being such Possessor, unless such Possessor be an Infant, sick, or unable to travel, or not in the Island or any the Islands adjacent, and that proved on Oath before the Justice, or the Treasurer or Deputy, who shall take the Account of Slaves, shall be admitted to swear to the Number of Slaves of any Owner or Possessor of Slaves.

XXIV. And be it, and it is also further enacted, by the Authority *Temporary.* aforesaid, That no Justice of the Peace shall take the Account of Slaves of a Person living in another Division than that the Justice takes the Account for.

XXV. And it is hereby further enacted by the Authority afore- *Temporary.* said, That if any Person shall refuse or neglect to pay the Taxes hereby imposed on Slaves, within the Time and Manner hereby appointed for Payment thereof, the Treasurer of this Island, or his Deputy for the Time, shall, and is hereby impowered and directed to issue a Warrant or Warrants under his Hand and Seal, directed to the respective Constable or Constables, to levy the same on the Goods, Chattels, and Slaves of the Defaulter or Defaulters; and all and every the Constables of this Island are hereby required to execute the same Warrants respectively, under Pain of Imprisonment for three Calendar Months in the Common Gaol of this Island, without Bail or Mainprize, by Virtue of a Warrant of the Treasurer of this Island for the Time being, or his lawful Deputy, directed to the Provost Marshal of *Antigua*, or his lawful Deputy.

XXVI. And be it, and it is further enacted, by the Authority *Temporary.* aforesaid, That all Goods, Slaves, and Chattels, which shall be levied on as last-mentioned, shall be sold at Publick Outcry to the best Bidder, for ready Gold or Silver Money, as soon as may be conveniently done, after ten Days expired from the Time of Levy, at such Town of this Island as the Person levied on shall request; and if no Request for that Purpose, before carrying away from the Place of Levy the Things levied on, then to be sold at such Town as the Treasurer or his Deputy shall direct; and the Treasurer or Deputy shall cause to be fixed up Publications of such intended Sales, five Days at least before the Sale, at the Towns of *Saint John, Parham, Falmouth, Willoughby Bay, and Old Road*; and if any Overplus remain

after the Levy, and all incident Charges thereof satisfied, it shall be returned to the Person thereto by Law intituled.

Temporary.

XXVII. And be it, and it is hereby further enacted, by the Authority aforesaid, That if sufficient Goods or Slaves as aforesaid, or sufficient Lands, Tenements, or Hereditaments, as herein after-mentioned, shall be to be found, or the Defaulter's Body may be taken, then the Treasurer for the Time being shall and is hereby required to levy and raise, in each Year aforesaid, all and every the Sum and Sums hereby enacted to be raised in each such Year respectively, or to take the Defaulter's Body, if to be found, as herein-after directed, on or before the first Day of *September* in each of the same Years; and in Default of so doing, shall be accountable for and pay, out of his own Estate, all Sum and Sums of Money so not duly levied and raised; but yet nevertheless the same Sums may be afterwards levied on the Defaulters and their respective Estates, to reimburse the Treasurer for what he shall be compelled to pay out of his own Estate.

Temporary.

XXVIII. Provided always nevertheless, That it shall be in the Power of the Commander in Chief, Lieutenant Governor, or President of the Council, and the Council and Assembly of this Island, at Discretion, to remit and allow to the Treasurer any Sum or Sums which shall not be so duly levied, and for which the Treasurer's proper Estate might be so charged.

Temporary.

XXIX. And be it further enacted by the Authority aforesaid, That in case upon issuing such Warrants of Levy, sufficient Goods, Chattels, or Slaves of any Persons to be levied cannot be found, then it shall be lawful for the Treasurer, or his Deputy, to levy the same Taxes, Costs, and Charges upon the Lands, Tenements, Rents, Annuities, or Hereditaments of the same Person or Persons; all which shall be sold by Appraisement, if the Person levied on shall make Oath before the Treasurer, or his Deputy, that he or she hath no Slaves, Goods, or Chattels; and such Appraisement shall be made by two or more Persons, to be named and sworn by the Treasurers or his lawful Deputy, conscionably to appraise the same; but if such Person so levied on, refuse or neglect to make such Oath, then the same Lands, Tenements, Rents, Annuities, or Hereditaments, to be sold at Publick Outcry, as before directed in Case of Goods, Chattels, or Slaves, and the Treasurer's Sale, executed by himself or Deputy, and acknowledged before the Register of Deeds of *Antigua* for the Time being, and duly recorded in the Register's Office of *Antigua*, shall be good for such Estate as the Owner could lawfully convey; and if such

Owner

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Owner shall be Tenant in Tail, the same Sale shall bar all Estates Tail, and Remainders and Reversions thereon expectant; and for Want of such Lands, Tenements, Rents, Annuities, or Hereditaments, the Treasurer and Deputy are hereby respectively impowered and required, by his Warrant to any Constable or Constables of this Island, to take and imprison such Person and Persons in the Common Gaol of this Island, until such Taxes, and all incident Costs and Charges of Levy, shall be fully paid.

XXX. And be it also further enacted by the Authority aforesaid, *Temporary.* That if any Constable levying shall not be supplied immediately, by the Person levied on, with Carts, Cattle, Horses, Slaves, and Carriages, to carry away what shall be levied on, then such Constable may, without further Warrant, hire or take and impress Carts, Carriages, Cattle, Horses and Slaves, to carry the same down to the Place of Sale; and when done, to pay reasonable Hire, as any Justice of Peace shall determine, if not agreed on, for what Slaves, Carts, Carriages, Cattle, and Horses, shall be so employed, to be again repaid out of the Things levied on.

XXXI. And be it also further enacted by the Authority aforesaid, That the several Sums of Money to be raised by Virtue of this Act, shall be a Charge on the Slaves, Lands, Tenements, Hereditaments, Rents, and Annuities of the Debtor or Debtors, from the Day such Sums shall first become due, against all other Persons into whose Hands they shall afterwards come; and when any such Debtor or Debtors shall die, the Personal Estate of such Debtor or Debtors shall be and are hereby made chargeable with the same Taxes hereby imposed, as soon as become due; and his, her, or their Executors are to pay the same, prior to any Debt or Debts whatsoever, due or to be due to any Subject, whether by Judgment or otherwise, upon Pain of such Executors or Administrators answering and paying the same out of his, her, or their proper Estates, which, in such Case, shall be liable to be levied on and sold, in the Manner herein before directed, in Case of Levies on the Estates of the Persons taxed; and the Executors or Administrators, duly paying the same Taxes, shall be by Law discharged to that Value, against Debts of all other Kinds due to any Subject from the Testator or Intestate.

Monies to be raised by Act, a Charge on Slaves, Lands, &c. of Defaulters.

XXXII. And be it further enacted by the Authority aforesaid, That all Taxes imposed by this Act, and all double Taxes which shall be forfeited by Virtue thereof, shall be applied to and for the Uses following (that is to say) To discharge and pay off the said Sums herein before-mentioned to be lent to the Committee aforesaid, and all

Application of Taxes.

such further Sums which shall hereafter be advanced and lent on the Publick Faith of *Antigua* as aforesaid, with the Interest thereof, in the same Species of Money, and in the same Manner respectively as borrowed; such Interest to be at the Rate of six *per Centum per Annum*, from the Time of Loan to the Time of Payment; and in like Manner to repay any other Sum or Sums of Money, either Sterling Money of *Great Britain*, or current Money of *Antigua*, which shall be borrowed by Virtue of this Act, according to the Powers before or hereafter given for borrowing the same, together with the Interest thereof as aforesaid; and to pay and discharge all Costs, Charges, and Expences whatsoever, arising or to arise for and by Means of building the said Court-House and its Inclosure, if it shall be inclosed, according to the said Articles so hereby directed, approved, and appointed to be entered into, by the said Committee and Treasurer with the said *William Lowry*, *Duncan Grant*, and *Robert Bannister*, and all incident Charges of Materials, Labour, Provisions, and all other Kinds of Charges and Expences, which are and shall be incident or contingent to, or have arisen or happened, or shall arise or happen, by Reason or Means of building the said Court-House, with its Inclosures, if it shall be inclosed after built, and for indemnifying and saving harmless the said *Andrew Lessly*, *Robert Christian*, *William Furnell*, and *Ashton Warner*, and each of them, their and each of their Heirs, Executors, and Administrators, and Estates real and personal, of and from all Suits, Costs, Damages, Expences, and Charges whatsoever, which to them or either of them, or their or either of their Heirs, Executors, Administrators, or Estates real and personal of any Kind, shall or may hereafter happen, come, or be sustained: And in case any Surplus, after satisfying and fulfilling the Premises, shall arise and be left of the Monies or Effects which shall be levied by Virtue of this Act, the same shall be applied and go towards defraying the Publick Debts and Charges of this Island of *Antigua*, already arisen or to arise, as shall be directed to be paid in the usual Manner, by Orders to be issued to the Treasurer of *Antigua* for the Time being, upon Petitions and Accounts, approved by the Assembly of *Antigua*, and such Approbation signified under the Hand of the Speaker of the same Assembly, and not otherwise.

Temporary.

XXXIII. And in case it shall happen that the Taxes hereby imposed shall prove a Fund defective and insufficient to answer, pay, and satisfy the Ends and Expences for which they are designed, be it enacted, and it is hereby enacted, by the Authority aforesaid, That

in

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in such Case the same Tax of two Shillings and Six-pence, Gold or Silver, current Money of *Antigua*, for each Slave as aforesaid, shall be and continue and be paid in and for the Year *one thousand seven hundred and fifty-three*, on the same Day, and the same Account of Slaves to be taken, and all things to be done, with relation to raising and paying the same Tax in the same Year one thousand seven hundred and fifty-three, and under the same Penalties and Forfeitures, Clauses, Directions, Limitations, and Regulations, and for the same and no other Uses, Intents, and Purposes, as herein before and after directed concerning the same Tax hereby imposed for the other Years herein before particularly mentioned and expressed, or any of them.

XXXIV. And be it enacted by the Authority aforesaid, That in case it shall happen that the Monies to be levied by Virtue of this Act, shall not or may not be so soon levied, but that before the same can be levied, there will be Occasion to advance Money for the building the said Court-House, and the incident Charges thereof, that then any Sum or Sums of Money, either Sterling or current Money of *Antigua*, shall and may from Time to Time be borrowed, by the present Committee, or any two of them, or by any future Committee to be appointed by the Council and Assembly, or by any two of such Committee so to be appointed, together with the Treasurer of *Antigua*, or his lawful Deputy for the Time being, upon the Credit of the Taxes hereby laid, to be paid, with lawful Interest; which, when borrowed, shall be charged upon, and repaid with, lawful Interest, by and out of the Monies which shall arise by the Taxes hereby laid.

Money may be borrowed upon Interest, on Credit of Taxes laid by Act.

XXXV. And be it, and it is further enacted, by the Authority aforesaid, That as well for every the said Sums of Money already lent as aforesaid towards building the said Court-House, as for every Sum and Sums hereafter to be lent upon the Credit of the Taxes hereby laid, the Treasurer for the Time being, or his lawful Deputy, shall give a Writing, signed and sealed by him, expressing such Loan already made, or to be hereafter made, together with the Time of lending and the Sum lent, and what Kind of Money, and when, and to whom, and how to be paid by the Publick of *Antigua*, with lawful Interest, and mentioning briefly the Title and Date of this Act, and the Tenor and Time of such Vote or Votes as have been given, or shall be given for each such Loan; which shall be a sufficient Authority to enable the Lenders respectively, and their legal Representatives, to demand and have Payment of the Monies so lent, and Interest,

Instrument, expressing Particulars of Loans, and referring to Act, to be signed by Treasurer.

Interest, without further Order or Direction; and the Treasurer for the Time being, and his lawful Deputy, are and is respectively hereby authorized, impowered, and required to make Payment and Payments accordingly, out of the Monies hereby enacted to be raised by the Taxes hereby imposed, without further Order therefore; any Law, Usage, or Custom to the contrary notwithstanding.

Ground described in Clause allotted for Market-Place.

See Act of 14th Dec. 1792, (No. 484,) S. 2.

XXXVI. And to the End a sufficient Market-Place may not be wanting for the said Town of *Saint John*, be it, and it is hereby enacted, by the Authority aforesaid, That all that Piece of Ground now lying unimproved by the Publick of *Antigua*, the Title whereof, or any Part whereof never was granted away from the Crown, but the same has always been in the Crown, for the Publick Use of this Island, and which doth contain by Estimation one hundred and twenty Feet from North to South, and fifty Feet from East to West, more or less, bounded to the North with the Common Gaol, to the East with the Lands and Tenements of *Mansfield Ord* and others, to the South with *Church-Street*, and to the West with the Lands and Tenements heretofore of *John Burke*, deceased, shall be, and is hereby declared to be vested and estated in His Majesty, His Heirs and Successors, as and for the publick lawful Market-Place of the said Town of *Saint John*; and for that Use to continue for ever unalienable, and not to be granted for any other Uses, as fully, to all Intents and Purposes whatsoever, as though the same had been laid out, set aside, and distinguished in the most formal Manner for a Market-Place, and as though due Return and Record thereof had been made, as by an Act or Acts of this Island is or hath been required.

No Shambles, Stalls, or Market-house to be built nearer to private Building than 10 Feet.

XXXVII. Provided always, That no Shambles or Stalls, or any Market-House, or Conveniency for the Market, shall be erected or put thereon nearer to any private Building, being contiguous thereto, than the Space of ten Feet, upon Pain of being proceeded against, prostrated, and removed as Publick Nuisances; and the Persons erecting or putting the same up, to be also punished by Law therefore, as for erecting, making, or causing Publick Nuisances.

Dated at *Antigua*, the ninth Day of *June*, one thousand seven hundred and forty-eight, and in the twenty-first Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

STEPHEN BLIZARD, *Speaker*.

Past

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Nis. 200—202.

A. D. 1748.

Past the Assembly the second Day
of *June*, one thousand seven
hundred and forty-eight.

{ Past the Council the ninth
Day of *June*, one thousand
seven hundred and forty-
eight.

EDWARD GAMBLE,
Clerk to the Assembly.

WYSEMAN CLAGETT,
Clerk to the Council.

Past by the Chief Governor the ninth Day of *June*, one thou-
sand seven hundred and forty-eight.

WILLIAM MATHEW.

An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.

No. 201.
EXPIRED.
See Act of 20th
July, 1773,
(No. 348,) and
References
ibid.

Dated 6th April, 1753.

An Act for raising a Fund for purchasing Land for building additional Barracks for His Majesty's Regiment of Foot posted in this Island, and for erecting the said additional Barracks and a Guard-House in the Town of Saint John; and for repaying certain Sums of Money lent upon the Publick Faith, for and towards purchasing Land and carrying on the said Barracks and Guard-House; and for borrowing Monies to compleat the same.

No. 202.
OBSOLETE.

Dated 16th June, 1753.

An

27th GEO. II.

Nis. 203, 204.

A. D. 1753.

No. 203
EXPIRED.

An Act for providing an additional Support for his Excellency George Thomas, Esquire, during his Government, and appointing particular Funds for the Payment thereof.

Dated 28th July, 1753.

No. 204. **A Supplementary Act** to an Act, intituled, An Act for cleaning and amending the Highways in this Island, and to repeal an Act for cleaning and enlarging Common Paths and Highways within this Island.

PREAMBLE.

No. 180.

WHEREAS by the sixteenth Clause of an Act, intituled, *An Act for cleaning and amending the Highways in this Island, and to repeal an Act for cleaning and enlarging Common Paths and Highways within this Island*, dated the eleventh Day of August, one thousand seven hundred and twenty-four, it is enacted, That no Path or Way shall for the future be esteemed a Publick Highway, so as to be cleansed or repaired by the publick Strength of Slaves sent on the Highways, or any of them, but such Paths and Ways only as at the Time of passing that Act are lawful Publick or Common Highways, and are Thorougfares from one Highway into another, or else from some Publick Highway to the Sea-side of any Publick Paying-place or Town in this Island, or that leads from a Publick Highway to any Fort or Guard-House:

II. And whereas many Roads in this Island, commonly called Jury-paths, are become as useful to the Inhabitants of this Island, and to the Merchants trading to and from this Island, for riding to collect the Debts contracted to them in the Country, as well as for the convenient passing of Carriages in Time of War, as any of the Roads described by the above recited Act, and which, for want of being cleansed and repaired, are often impassable, to the great Detriment of the Inhabitants and Merchants trading to and from this Island;

III. We Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor of all Your Majesty's *Leeward Caribbee Islands* in

27th Geo. II.

No. 204.

A. D. 1753.

in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That all Jury-paths in this Island shall be [*cleansed and repaired by the Publick Strength of Slaves sent on the Highways, and shall be*] deemed and taken as Publick Roads of this Island; and any Waywarden that shall neglect his Duty, by suffering Jury-paths to lie unrepaired or uncleansed contrary to this Act, shall be prosecuted in the same Manner, and be subject to all the Penalties in the before-recited Act, for suffering the Ways to lie unrepaired or uncleansed.

ACT.
Jury-paths to
be Public
Roads.

See Act of 21st
Feb. 1799,
(No. 533.)

Waywardens
charged with
Repair of Jury-
paths.

See No. 533,
S. 16.

IV. And whereas it is found by Experience, that three Waywardens are insufficient for *Saint John's* Division, as it is the most extensive of any in this Island, and all the other Roads leading to *Saint John*, the principal Town of this Island, centre therein, and therefore require more mending than any other Roads; be it, and it is hereby enacted by the Authority aforesaid, That at the next Court of King's Bench and Grand Sessions held for this Island, three Waywardens more than are at present for the said Division shall be appointed; and at every Court of King's Bench and Grand Sessions, or Sessions of the Peace, after that, six Waywardens shall be appointed for the said Division; which Waywardens, when appointed, shall be subject to all the Penalties, and have as full Power in every Respect, as those already appointed by the recited Act.

Six Waywar-
dens to be ap-
pointed for *St.*
John's Divi-
sion.
See No. 180.

V. And whereas there is at present some Dispute about the Boundaries of the old Road Division and new Division, be it therefore enacted and ordained; and it is hereby enacted and ordained by the Authority aforesaid, That the Ridge of the Mountains, from the South-East Part of the Estate of *Robert Christian*, Esquire, to the Boundaries of *Bermudian Valley* Division, be the Bounds between the said old Road and new Division; any Law, Usage, or Custom to the contrary notwithstanding.

Boundaries of
the old Road
Division and
new Division.

Dated at *Saint John's*, the twenty-fourth Day of *September*, one thousand seven hundred and fifty-three, and in the twenty-seventh Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker*.

27th GEO. II.

Nis. 204, 205.

A. D. 1753

Past the Assembly the twenty-
 tieth Day of *September*, one
 thousand seven hundred and
 fifty-three.

Past the Council the twenty-
 tieth Day of *September*, one
 thousand seven hundred and
 fifty-three.

EDWARD GAMBLE,
Clerk to the Assembly.

JOHN WEBB,
Clerk to the Council.

Passed by the Governor in Chief, the twenty-fourth Day of *September*, one thousand seven hundred and fifty-three.

GEORGE THOMAS.

No. 205.
 OBSOLETE.

An Act for erecting and building a New Church in the Town of Parham in this Island, in the Room and Stead of the present Parochial Church of the Parish of Saint Peter, in the Division of Old North Sound in the said Island, and to impower the present and any succeeding Churchwardens and Vestry of the said Parish to compleat and carry into Execution a Contract made by the present Churchwardens and Vestry for the Purchase of a Spot of Ground in the said Town, and for allotting and appointing the same, when purchased, together with a Parcel of waste Land in the said Town, for the building such Church upon; and also to impower the present and any succeeding Churchwardens and Vestry of the said Parish, to raise a yearly reasonable Tax upon the Inhabitants of the said Parish, for erecting and building such Church, and constant repairing the same.

Dated 11th December, 1754.

28th GEO. II.

No. 206.

A. D. 1755.

An Act *supplementary to an Act, intituled, An Act* No. 206.
for encouraging the Importation of White Ser- ENLARGED
vants to this Island, dated the eleventh Day of July, by Act of 1st
in the Year of our Lord one thousand seven hun- June, 1767,
dred and sixteen, and in the second Year of the (No. 295,) Sect. 3. 4. 5.
Reign of our late Sovereign Lord George, by the For LAWS
Grace of God, of Great Britain, France, and Ire- PROMOTING
land, King, Defender of the Faith, and so forth; THE WHITE
and also to another Act, intituled, An Act for in- POPULA-
creasing the Number of White Inhabitants in this TION see also
Island, dated the eleventh Day of February, in the Nos. 153, 194,
fourteenth Year of the Reign of His present Majesty, 214, 569, en-
and in the Year of our Lord one thousand seven couraging the
hundred and forty. Importation of
 Servants; Nos.
 118, 123, 127,
 199, encour-
 aging Settlers.

WHEREAS by the said Act, intituled, *An Act for encouraging* PREAMBLE.
the Importation of White Servants in this Island, it is (among other
 Things) enacted, that every and each Servant, during his Servitude,
 should have and be allowed, from their respective Masters or Mis-
 tresses, ten Pounds of Fish or Flesh *per Week*, with seven Pounds of
 Flour, Bread, Biscuit, or Casada, or in Lieu thereof three Pounds of
Indian Provisions for every Pound of such Bread; and shall have one
 Coat, three Jackets, three Shirts, three Pair of Drawers, three Pair
 of Shoes, one Hat, two Pair of Stockings, for each Year, and con-
 venient Lodging during the Term; and any Master or Mistress
 failing therein, upon Proof made before a Justice, forfeits a Fine not
 exceeding six Pounds, current Money, at the Discretion of the
 Justice before whom such Complaint shall be made:

II. And whereas the said Allowance made by the said Act for
 feeding and cloathing Servants is insufficient, and the said Fine
 thereby imposed may not be sufficient to oblige the Masters or
 Mistresses of Servants to comply with the Feeding and Cloathing of
 Servants in such Manner as hereinafter directed by this Act;

III. We therefore Your Majesty's most dutiful, loyal, and obe-
 dient Subjects, the Governor of Your Majesty's *Leeward Caribbee*
 Islands, and the Council and Assembly of this Your Majesty's
 Island

28th GEO. II.

No. 206.

A. D. 1755.

ACT.
Allowance of
Provision to
Servants in
No. 153, S. 13.
repealed; and
Allowance in
Clause substi-
tuted.

Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That instead of the said Allowance of Victuals, so provided by such Act for Servants, there shall be allowed to each Servant or Servants in Lieu thereof, by every Master or Mistress of any Servant or Servants, the following Allowance (that is to say) Once every Week a Meal of good fresh Meat or fresh Fish, and also eighteen Pounds of good and sound salted Cod-fish, or twelve Pounds of salted Beef or Pork, and also ten Pounds of Flour, Bread, Biscuit, or Casada, or in Lieu thereof three Pounds of Yams, Potatoes, Eddos, or Plantains, for every Pound of Flour, Bread, Biscuit, or Casada. [*Extended by No. 295, S. 3. to White Women Servants.*]

Servants' Vic-
tuals to be
dressed if they
require it.

IV. And be it, and it is hereby further enacted, by the Authority aforesaid, that the Master or Mistress of any Servant or Servants, shall, and are hereby required to order the dressing of the Victuals of his or her Servant or Servants, in case such Servant or Servants shall request his Master or Mistress to do the same. [*Extended by No. 295, S. 3. to White Women Servants.*]

Masters feed-
ing Servants
otherwise suf-
ficiently, not
obliged to find
identical Al-
lowance in
Sec. 3.

V. Provided always, and be it, and it is hereby further enacted, by the Authority aforesaid, That if any Master or Mistress of any Servant or Servants shall well and sufficiently feed his or her Servant or Servants, otherwise than is herein particularly directed by this Act, such Master or Mistress shall not be obliged to allow his or her Servant or Servants the particular Allowance of Victuals hereby appointed for such Servant or Servants. [*Extended by No. 295, S. 3. to White Women Servants.*]

Masters to fur-
nish sick Ser-
vants with
proper Medi-
cines, Nou-
rishment, &c.
in Lieu of Al-
lowance in S.
3.

VI. And be it, and it is hereby further enacted, by the Authority aforesaid, That the Master or Mistress of any Servant or Servants shall and are hereby required and directed, in Case his or her Servant or Servants shall be sick, to find and provide for such Servant or Servants, during his and their Sickness, proper and convenient Physic, Nourishment, and Necessaries; which said Physic, Nourishment, and Necessaries, so to be found and provided, shall, for such Time as the same shall be so found and provided, be in Lieu of the Allowance of Victuals given by this Act to Servants that are well and in Health. [*Extended by No. 295, S. 3. to White Women Servants.*]

Allowance of
Cloathing in
No. 153, S. 13.
repealed; and
Allowance in
Clause substi-
tuted.

VII. And be it, and it is hereby further enacted by the Authority aforesaid, That instead of the said Cloathing provided by such Act, every Master or Mistress of any Servant or Servants shall allow to each

28th GEO. II.

No. 206.

A. D. 1755.

each of his or her Servants, six Waistcoats, six Shirts, six Pair of Breeches, six Pair of Shoes, six Pair of Stockings, two Hats, for each Year, and so in Proportion for less than a Year, and one Great-coat for a Year.

By No. 295, S. 3. Women Servants' Dress not to Cost less than 20l. annually.

VIII. And be it, and it is hereby further enacted, by the Authority aforesaid, That if any Master or Mistress shall refuse or neglect to make such Allowance of Victuals or Cloathing to each of his or her Servant or Servants, or to find and provide for such Servant or Servants during his and their Sickness, as herein before directed, each Master or Mistress, so refusing or neglecting, shall, upon Proof thereof made before two or more Justices of the Peace of this Island, forfeit any Sum not exceeding ten Pounds, Gold and Silver, current Money of this Island, instead of the said six Pounds; to be levied, applied, and disposed of, in like Manner as any Fine exceeding six Pounds is by such Act directed to be levied, applied, and disposed of. *[Extended by No. 295, S. 3. as to the Fine, in favour of unprovided White Women Servants.]*

Masters not so providing Victuals and Cloathing to forfeit not exceeding 10l; to be recovered and applied as directed by No. 153, S. 20.

IX. And be it, and it is hereby further enacted, by the Authority aforesaid, That it shall and may be lawful to and for any two or more Justices of the Peace of this Island, and they are hereby directed and required, in such Manner to set free any Servant or Servants, upon such Number of Complaints made by him or them against his, her, or their Master or Mistress, and upon his, her, or their Master or Mistress being found guilty thereof, as in the said Act mentioned; and it shall and may be lawful for any Person or Persons to employ, hire, and entertain such Servant or Servants so set free. *[Extended by No. 295, S. 4. to White Women Servants.]*

Servants not so provided for, on three just Complaints, as in No. 153, S. 14. to be set free by Justices, and may be hired by other Masters.

X. And whereas by the said Act, intituled, An Act for increasing the Number of White Servants in this Island, it is (among other Things) enacted, That every Owner, Renter, or Possessor of Slaves within this Island, or the Islands adjacent and thereto belonging, should for every thirty Slaves he, she, or they should own or possess, keep and maintain, in his, her, or their constant and daily Service and Employ, one able White Man; and all Persons whatsoever, that should not have their Complement or Number of White Men, according to such Proportion, within one Year after the twenty-fifth Day of February next ensuing the Day of the Date of the said Act, or who, at any Time thereafter, should want any of his or her Number of Servants hereby required, should pay into the Publick Treasury twenty Pounds, Money of this Island, for each Year, and so in Proportion for any Time less than one Year, if such lesser Time exceed thirty Days, else Nothing to be paid for such lesser Time, on or before the first Day of June in every Year during the

By Act of 8th May, 1792, (No. 483,) S. 1. 2. One White Servant to be kept for every forty Slaves, on Penalty of 53l. 6s. 8d. for each White deficient.

By Act of 15th Dec. 1801, (No. 558,) S. 1. Time of Accounting changed from 25th May to 25th Jan.

See No. 194, S.
2.

the Continuance of the said Act, or until they should have complied therewith, for every White Servant that should be found wanting to make up the Number that such Person or Persons ought to have, unless when such Person or Persons having already supplied their full Number, one or more of the said Servants, being an indented Servant, should die or run-away; in which Case he, she, or they should not be obliged to find any other in the Room of such as should be dead or run-away, unless such Running-away be caused by Ill-usage or Connivance of the Master, until Half as much Time should be elapsed as the Servant so dead or run-away had to serve at the Time of such Death or Running-away, according to the Indenture of such Servant; such Time to be made appear by producing the Indenture, and the Oath of the Master or Mistress, to be taken before the Treasurer of Antigua for the Time being; and if the said Indenture should be lost, and so sworn to be, the Proof of the Time should be by the Oath only of the Master or Mistress, to be taken as aforesaid; and no Soldier in His Majesty's Pay, nor any Person whatsoever that was not able to carry Arms in the Militia, unless such Inability should happen in the Term of his Servitude or Tenancy of five Acres, as thereafter-mentioned, should be accounted or deemed a Servant within the Meaning of the said Act; which said Sum of twenty Pounds, so imposed by Virtue of such Act for every White Servant that shall be so wanting as aforesaid, is not adequate to the Expences of feeding and cloathing, and otherwise providing for a White Servant, so that many Persons submit to the Payment of the said twenty Pounds, rather than be at the Expence of a White Servant; by which Means the Intention of the Act is intirely eluded: For remedying whereof, be it, and it is hereby further enacted, by the Authority aforesaid, That from and after the twenty-fifth Day of May next, instead of the said twenty Pounds so directed to be paid by such Act, there shall be paid the Sum of forty Pounds, Money of this Island, and so in Proportion for any Time less than a Year, as by such Act is directed and appointed, touching the said twenty Pounds thereby made payable; which said Sum of forty Pounds shall be raised, levied, and paid, laid out and disposed of, at such Time and in such Manner as is directed by such Act touching the said twenty Pounds.

XI. And whereas the Masters, Owners, Renters, and Possessors of Slaves, actually residing in this Island, or in the Islands thereto adjacent and belonging, are always ready to expose their Persons in Defence of their Country; and yet such Masters, Owners, Renters, or Possessors of Slaves, are obliged to find a White Servant for every thirty Slaves he or they shall own or possess, and also to pay such Taxes for any broken Number of Slaves less than thirty; by Reason whereof many Persons of low Fortunes have quitted this Island, and
many

28th GEO. II.

No. 206.

A. D. 1755.

many more intend to depart therefrom: For Remedy whereof, be it, and it is hereby further enacted, by the Authority aforesaid, That every Master, Owner, Renter, or Possessor of any Slave or Slaves in this Island, or the Islands thereto adjacent or belonging, shall be deemed, allowed and taken in Lieu of a White Servant, within the Meaning and Intention of such Act, for so long a Time in every Year as he shall be resident thereon; provided such Master, Owner, or Possessor be not allowed and taken in Lieu of a White Servant to any other Person or Persons.

Owner of Slaves, as long as resident, to be reckoned in Lieu of one White Servant: provided such Owner be not reckoned as a Servant to any other Person.

XII. And whereas many Persons in this Island employ their Sons under them in the Management and Direction of their Plantation and Slaves, or such Sons live with their Fathers, and are by them maintained at a great Expence; and though such Sons do Duty in the Militia of this Island, yet such Sons no-way exempt their Parents from the Taxes imposed by such Acts, which it is reasonable they should do; be it therefore, and it is hereby further enacted, by the Authority aforesaid, That any Son or Sons that shall live with his Parent or Parents, and that shall actually appear and do Duty in the Militia of this Island, each such Son or Sons shall be allowed and taken as a White Servant or White Servants within the Meaning and Intention of such Act; provided such Son or Sons is or are not an Owner or Owners, Renter or Renters, Possessor or Possessors of any Slaves within this Island, or the Islands thereto adjacent and belonging, amounting to the Number of thirty or more; and provided also that such Son or Sons is or are not any-way deemed, allowed, and taken in Lieu of a White Servant, for or upon Account of any Number of Slaves which such Son or Sons is or are Owner or Owners, Renter or Renters, Possessor or Possessors of, less than the Number of thirty.

Sons living with Parents, and doing actual Duty in Militia, to be allowed as White Servants.
Exception.

XIII. And for the Ease and Relief of many poor and indigent Women, who have large Families, and whose whole Support depends on a few Slaves only, be it, and it is hereby further enacted, by the Authority aforesaid, That every such Woman, being Owner, Renter, or Possessor of any Number of Slaves in this Island, or the Islands thereto adjacent and belonging, not exceeding ten Slaves, shall be wholly exempted from the said Taxes imposed by the said last recited Act.

Women possessing ten Slaves *max.* exempt from Taxes imposed by No. 194.

Dated at *Antigua*, the twenty-fifth Day of *April*, one thousand seven hundred and fifty-five, and in the twenty-eighth Year of the
Reign

28th GEO. II.

Nis. 206—208.

A. D. 1755.

Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker.*

Past the Assembly the eighth
Day of *April*, one thousand
seven hundred and fifty-five.

{ Past the Council the twenty-
fifth Day of *April*, one
thousand seven hundred
and fifty-five.

EDWARD GAMBLE,
Clerk to the Assembly.

JOHN WEBB,
Clerk of the Council.

Past by the Governor in Chief the twenty-fifth Day of *April*, one
thousand seven hundred and fifty-five.

GEORGE THOMAS.

No. 207.
OBSOLETE.

An Act for distributing the Publick Arms, with the Accoutrements and Furniture thereto belonging, amongst the Troop of Carbineers, and the several Militia Regiments of Foot in this Island.

Dated 14th June, 1755.

No. 208.

EXPIRED IN
PART; as ap-
pears from
Clause 42.
See Act of 30th
March, 1798,
(No. 485,) in
Lieu of the ex-
pired Clauses.

An Act supplementary to an Act, intituled, An Act for regulating the Militia of this Island, and for altering and amending the same; and for making a proper Provision for the said Militia in Time of War.

The Clauses I. II. III. IV. V. VI. VII. VIII. IX. X. XI. XII.
XIII. XIV. XV. XVI. XVII. XVIII. XIX. XX.
XXI. XXII. XXIII. XXIV. XXV. XXVI. XXVII.
XXVIII. XXIX. XXX. XXXI. XXXII. XXXIII.
XXXIV. XXXV. XXXVI. XXXVII. XXXVIII.
XXXIX. XL. XLI. are expired.

30th GEO. II.

No. 208.

A. D. 1756.

XLII. And be it enacted, by the Authority aforesaid, That the *subsequent* Clauses of this Act shall be in Force ONLY DURING A TIME OF ACTUAL WAR; and that all the *preceding* Clauses shall be of Force from the Date hereof, and shall continue in full Force and Effect for *three Years* from the Day of the Date hereof, and from the End thereof to the next Meeting of the Council and Assembly of this Island.

Times limited
for different
Clauses to be
in Force.

XLIII. And be it also enacted and ordained, by the Authority aforesaid, That in all Times of general Alarm, by Night or by Day, when Martial Law is in Force over all the resident Persons in this Island, all Strangers and transient Persons being on the same Island, or on any Island thereto adjacent and belonging, and within any of the Ports, Roads, or Harbours thereof, and not belonging to any of His Majesty's Ships of War, shall also be subject to the same Law.

Strangers,
during Mar-
tial Law, sub-
ject to it.
See No. 485,
S. 63.

XLIV. And for the better Defence and Preservation of the Vessels lying within any of the Harbours of this Island, it is enacted, by the Authority aforesaid, That the Governor or Commander in Chief upon this Island for the Time being may, at any Time when he shall think the same necessary, appoint and order the Masters, Officers, and Mariners, not being of His Majesty's Ships of War lying within the Harbours of this Island, to repair to the Forts built for the Protection and Safeguard of Vessels lying there, at or before Sun-set, and there to remain, to do Duty and Guard in the said Forts until Sun-rise the next Day; and every Mariner, whether Master, Officer, or Man before the Mast of any Vessel, neglecting duly to perform the Duty hereby required of him, shall be punished, the Masters and Chief Mates at the Discretion of a General Court Martial, and the other Officers and private Men at the Discretion of a Regimental Court Martial of the Militia of this Island, nearest to the Place where the Offence was committed.

On Gover-
nor's Requi-
sition, Mas-
ters, Officers,
and Mariners,
not of His Ma-
jesty's Ships of
War, to do
Duty in Forts
defending
Harbours, on
Pain of Pu-
nishment by
Court Mar-
tial.

XLV. Provided always, That no Mariner whatsoever shall be appointed or obliged to do Duty and Guard in any other Fort but the Fort defending the Harbour where the Vessel he belongs to lies; and that no more than the Master or Chief Mate, with any Number of Men not exceeding one Half, belonging to any Vessel, shall, at any one Time, or the same Night, be appointed or obliged to do Duty as aforesaid; except in Times of general Alarm, by Night or by Day, or when Martial Law shall be generally in Force, during which Times the said Masters, Mates, and Mariners shall be obliged to do Duty in any other Place, and be subject to the same Services as

But no Ma-
riner obliged
to Duty in any
Fort but that
defending
Harbour
where his Ves-
sel lies:
nor more than
Master or
Mate and Half
the Crew at
once.

VOL. I.

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Except in
Alarms,

Alarms, when Governor may order them as Militia.

Owners of Slaves, for every *fifty*, to have ready *one* Bag and *one* Keg described in Clause, for carrying Provisions:

to carry them, on Alarm, to Alarm-post:

and shew them in Time of War twice in a Year on Requisition of Officer, or forfeit 10s. for each.

Captain of Verge to report annually to Colonel, and Colonel to Chief resident Commander, the Number of Bags and Kegs, on Penalty of 5*l.* each.

the Militia of this Island, at the Discretion and Order of the Commander in Chief for the Time being.

XLVI. And whereas at a Time of actual Invasion many Things must be of great Use, which it will be hardly possible at such Time to get, unless before provided and kept ready, be it therefore, and it is hereby enacted and ordained, by the Authority aforesaid, For the better Carriage and Conveyance of Provision and Water, that for every fifty Slaves, which any Person shall be possessed of, in his or her own Right, or in the Right of any other Person whatsoever in this Island, or any of the Islands thereto adjacent and belonging, within the Verge of a Militia Company, such Person shall find and provide and have one Bag of good Oznabrigs, or any other strong Linen, large enough to contain fifty Pounds of Biscuit, and also one Keg, to contain as near as may be five Gallons of Water, with the Owner's Name on such Bag and Keg; and during the Continuance of actual War, shall keep always ready, and in serviceable clean Order, at his or her Plantation or House within such Verge, the Number of Bags and Kegs before required, and shall, upon every Alarm, bring or send the said Bags and Kegs to the Alarm-post of the Foot Company within the Verge of which such Persons reside, except the Officers of the Troop, who may either send them as aforesaid, or take them with them to their own Alarm-post; and every Person, hereby obliged to provide and keep ready such Bag or Bags, Keg or Kegs, and who shall not provide or shew the same, in serviceable clean Order, to the Captain or Commanding Officer of the Company of the Verge, when by him required so to do, at the Plantation of each respective Person, at any Time during actual War, if not oftener than twice in a Year, or shall neglect to carry or send them as aforesaid on Alarms, for each Time, and for each Bag or Keg not produced or shewn as aforesaid, or not carried or sent as aforesaid, shall forfeit ten Shillings, current Money aforesaid, to be recovered as Militia Fines are to be: And each Captain or Commanding Officer of the Verge not receiving and making Report, once in each Year at least, to his Colonel or Commanding Officer of the Regiment, of the Number of Bags and Kegs, and after such Report to him made, the Colonel or Commanding Officer of the Regiment not making Report thereof to the Commander in Chief upon this Island for the Time being, shall respectively forfeit, for each Neglect, five Pounds; which said several Fines shall be recovered as Militia Fines are to be, and shall be paid into the Publick Treasury of this Island, to be applied

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No. 208.

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applied in Aid of the Sum given by the Publick for the best Shots at a Target.

XLVII. And whereas also, in case of an actual Invasion, a good Body of Slaves to attend, properly armed, and also Horses, Mules, and working Cattle, Horse and Cattle Carts and Carriages, with Slaves to attend them, will be absolutely requisite for many Purposes, and must be of important Service, if provided in Time, and disposed of in a prudent and regular Manner, therefore be it, and it is hereby enacted and ordained, by the Authority aforesaid, That every Person in this Island, and the Islands thereto adjacent and belonging, once in a Year, and no oftener, and so soon after the Date of this Act as the same shall be demanded by the Captain or Commanding Officer of the Company within the Verge of which such Persons reside, or have a Plantation at any Place within the said Verge where such Captain or Commanding Officer shall appoint, shall deliver to the said Captain or Commanding Officer a true and faithful Account in Writing of all and every the Particulars following (that is to say) Of all and every the Persons, whether free, or Servants and not being Slaves, above the Age of seven Years, who shall live in such Verge as Part of such Person's Family, or in such Person's Service or Employ, or in such Person's Plantation or House, specifying therein their respective Names, and also of the Number of all his or her Slaves living or working within such Verge, therein distinguishing the Number of Men Slaves above the Age of eighteen Years and under the Age of forty Years, and further of all his or her Horses, Mules, and working Horned Cattle, employed and kept within such Verge, certifying the Number of Horses and Mules for Draught or Saddle particularly and respectively; and lastly of all the Carriages kept upon his or her Plantation within such Verge, and specifying whether Coaches, Chariots, Waggons, Carts, or whatsoever other Kind; and every Person rendering such Account shall be sworn that the same is a just and full Account, to the best of his or her Knowledge and Belief; and the said Captain or Commanding Officer of the Verge is hereby impowered and required to administer such Oath; and every Person rendering such Account shall at the same Time, upon Oath, to be administered as aforesaid, distinguish therein so many of his best and ablest Men Slaves (Coachmen, Waggoners, Drivers, and Carters, and also any three that he shall chuse to attend his Person or Family, excepted) as will amount to and make up in Number the full twentieth Part of all his or her Slaves worked and living within such Verge, and upon Alarms shall bring or send the

Persons, Housekeepers, and Heads of Families, to deliver annually to Commandant of Verge on Oath, particular Lists of their Inmates, Servants, Slaves, Horses, Mules, Working-Horned Cattle, and Carriages.

On Alarms,
to send
twentieth Part
of Slaves to
Alarm-post.

Penalty on
refusing Ac-
count, or
false Account,
5*l*.

In Master's
absence, &c.
chief Mana-
ger to make
Return.

Persons to
provide as
many Saddle
Horses or
Mules as Men
sent on
Alarms to
Militia, deli-
vering one
saddled and
bridled to
each Man, or
forfeit annu-
ally 5*l*. for
each deficien-
cy.

Recovery and
Application of
Forfeitures.

Captain of
Verge to enter
on Roll Ac-
counts ren-
dered to him,
and deliver in
fifteen

said Twentieth-part to the Alarm-Post of the Company within the Verge of which such Negroes shall reside and work, except the Officers of the Troop, who may send as aforesaid, or carry them with them, and except one to be allowed to each private Trooper; and every Person refusing or neglecting to render such Account in Writing upon Oath as aforesaid, within ten Days after being summoned by a Serjeant, or wilfully delivering a false or imperfect Account, shall forfeit five Pounds, current Money of this Island, for each Offence.

XLVIII. Provided always, That in case of the Master's or Mistress's Absence from this Island, or being proved upon Oath to be unable to attend, the said Account upon Oath shall be rendered and given by such absent or sick Person's chief Manager of the Plantation within the Verge.

XLIX. And it is also enacted and ordained, by the Authority aforesaid, That all Persons in this Island shall provide and keep as many Horses or Mules, broke to the Saddle, as by the Laws of this Island they are obliged to send Men into the Militia; and such Persons as shall not provide or keep such Horses or Mules, shall annually forfeit five Pounds for each Horse or Mule deficient; and every Person not delivering a Horse or Mule broke to the Saddle, with a Saddle and Bridle, to each Man sent into the Militia by such Person on an Alarm, whether such Man be a free Tenant, hired or indented Servant, shall forfeit the Sum of five Pounds; both which Fines of five Pounds to be levied by a Warrant from the Colonel or Commanding Officer of the Regiment such Man belongs to, directed to the Adjutant of the Regiment he commands, who is hereby required to execute the same, and to retain and keep to himself one Fourth-part of the Fines so levied, and to pay the Residue into the Publick Treasury of this Island, to be applied in Aid of the Sum given by the Publick for the best Shots at a Target; and every Person not sending to the Alarm Post, upon Times of Alarm, the Number of Horses or Mules broke to the Saddle, with Saddles and Bridles, which by this Law he is obliged to keep, shall forfeit five Pounds, to be levied and applied as aforesaid, for each Horse or Mule deficient as aforesaid; and every Horse or Mule, delivered as aforesaid to such free Tenant or Servant, shall be reckoned and deemed as Part of the Number he is obliged to send: And every Captain or Commanding Officer of a Company, when all the Accounts of the Verge shall have been fully rendered to him, shall cause the same to be fairly and regularly entered into a Roll, a fair Copy whereof he shall send or deliver to the

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the Colonel or Commanding Officer of the Regiment, within fifteen Days after he has received the Colonel's or Commanding Officer's Orders for taking the Account; which Order the said Colonel or Commanding Officer is to give, within five Days after receiving the Copy of this Act from the Secretary; and the said Colonel or Commanding Officer shall cause all the said Accounts of his Regiment to be fairly and regularly entered into a Roll, and return the same to the Commander in Chief on the Island, within forty Days after he has had the same from the Captain; and as often as the same shall be necessary, but at least once in every Year in the Month of *September*, shall summon and call together the Commissioned Officers of his Regiment, and also give Notice thereof to the Commission Officers of the Troop of Carbineers, being within the Limits of his Regiment, and with all the said Commission Officers, or the major Part of them, examine what Number of spare Horses or Mules broke to the Saddle, after allowing to each Person, for the Use of himself or herself, and Family and Men Servants, a reasonable and sufficient Number of such Horses or Mules as are within the Verge of each Company, and what Number of Men of the Foot Militia who want Horses; and the said Colonel or Commanding Officer, with the aforesaid Commission Officers, or the greatest Part of them, shall allot and appoint the spare Horses or Mules to and amongst the said Men of the Foot Militia who want and are unsupplied as aforesaid, in a Manner the most equal and convenient, and least troublesome and injurious to the Owners of the Horses, and the Men who are to be supplied; and of such Appointment or Allotment shall keep a distinct Memorandum in Writing; and the said Commission Officers of the Horse and Foot Militia, so assembled to appoint and allot the spare Horses and Mules, shall preside, vote, and be seated according to their respective Ranks and Seniorities; and publick Notices of the Day and Place of their Assembling for the said Purpose shall be given, by three or four Advertisements in Writing, to be fixed up at proper Places, at least seven Days before the Day of Meeting, that every Person may object to the Allotment about to be made, if such Person think himself or herself aggrieved thereby: And that every Person may know where and by whom he is to be supplied with a spare Horse or Mule, the said Colonel or Commanding Officer shall subscribe double Tickets, directing one to the Owner of the spare Horse or Mule, and informing him or her of the Name and Place of Abode of the Person to be supplied, and directing the other to the Man wanting such Horse or Mule, and informing him of the Name

fifteen Days
after Order,
fair Copy to
Colonel,

Colonel, after
Entry on Roll,
to make Re-
turn in forty
Days from
receiving Ac-
count to Chief
resident Com-
mander:

Colonel to
convene at
least every
September
Commission-
ed Officers of
his Regiment,
&c. to dispose
of spare
Horses.

Memorandum
of Allotments.

Notice of
Meeting by
three or four
written Ad-
vertisements,
at least seven
Days previous.

Persons want-
ing spare
Horses, to be
supplied as in
Clause.

Persons not
delivering, on
Alarm, Horse
or Mule as al-
lotted, to for-
feit 5*l*.

Persons neg-
lecting to ap-
pear at Alarms
with, or ill-
using, or not
returning
Horse or
Mule, to be
punished at
Discretion of
Court Martial.

Treasury to
make Com-
pensation for
Slaves, Horses,
or Mules kill-
ed or hurt.

Colonel and
Officers may
allot Coach
and other
Horses and
Cattle to draw
Fieldpieces,
Ammunition,
&c.

Name of the Person who is to find the same; and if it shall so happen that the Abode of any Owner of a spare Horse or Mule, and of the Person to whom the spare Horse or Mule is allotted, are inconveniently situated in respect of the said Person's Alarm Post, then the said Colonel or Commanding Officer shall, by a Note or Order under his Hand, direct the said Owner, upon Alarms, to send his spare Horse or Horses, Mule or Mules, to some certain Place, in the said Note or Order mentioned, where the Person to whom he is allotted may have him, with more Convenience and less Loss of Time: And if any Person, at any Time of Alarm, shall refuse or wilfully neglect to deliver to any Man a Horse or Mule, allotted for him as aforesaid, or shall refuse or neglect to send his spare Horses and Mules to such Place or Places as he shall be directed by the said Colonel or Commanding Officer, such Person, for each Offence, shall forfeit five Pounds, current Money aforesaid, to be recovered as other Militia Fines: And if any Person, at the Time of Alarm, shall appear at his Alarm-Post not mounted on the Horse or Mule allotted to him as aforesaid, through his own Neglect or Default, or shall abuse or wilfully neglect taking Care of the same Horse or Mule, and his Saddle and Bridle, herein before or after-mentioned, or shall abuse any Slave, sent with the said Horse or Mule to attend him, or, after the Alarm is ended, shall not in due Time return and deliver the same Horse or Mule, with his Saddle and Bridle, to the proper Owner, he shall be punished at the Discretion of a Court Martial; and if any Slaves, Horses, or Mules shall be killed or damaged in the Publick Service, the Owners shall be paid the Value of the Slaves, Horses, or Mules so killed, or the Damage sustained, to be settled by any two substantial Freeholders, on Oath, out of the Publick Treasury of this Island.

L. And be it enacted, by the Authority aforesaid, That the Colonel or Commanding Officer of a Regiment, with all the Commission Officers of his Regiment, and the Troop of Carbineers, living within the Limits of his Regiment, or the major Part of them, may appoint and allot a sufficient Number of able Coach and Draught Horses, or Cattle, for drawing Field-pieces, Ammunition, or Provision, or the carrying Swivel Guns for his Regiment and the Troop of Carbineers, informing the Owners of such Horses or Cattle, by Tickets as aforesaid, of such Appointment; and may also appoint and allot, in the same Manner, Waggon and other light Horse-Carriages, with the Harness and Traces, Carts and Cattle, Yokes and Chains, for the same Use, and Slaves to attend and drive them; and

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and such Horses or Cattle, Waggon and Carriages, Harness and Traces, Carts and Cattle, Yokes and Chains, and such as shall be provided and impressed by the Commissary General, hereafter to be appointed, if killed, lost, broke, or damaged in the Publick Service, shall be paid for or repaired out of the Publick Treasury, on Appraisalment as aforesaid; provided that nothing herein contained shall be construed to debar or hinder the Commander in Chief upon this Island to alter such Allotment of Horses, Mules, Cattle, Carts, and other Carriages, and Bags and Kegs, and to dispose of them otherwise, as he shall think most proper, for the Defence of the Island in Time of actual Service.

Treasury to make Compensation if Horses, &c. killed or damaged.

Commander in Chief may alter Allotment.

LI. And be it enacted, by the Authority aforesaid, That after the said Men of the Foot Militia and the Horse-Carriages shall be supplied with Horses and Mules, if any Surplus Horses or Mules remain, every Colonel or Commanding Officer of a Regiment shall render an exact and full Account of such Surplus Horses or Mules to the Governor or Commander in Chief on this Island for the Time being, who, with the Advice of a Council of War, shall direct and appoint how the same shall be disposed of at the Time of any Alarm.

Colonel to return to Commander in Chief Account of Surplus Horses, &c.

LII. And be it further enacted, by the Authority aforesaid, That every Colonel or Commanding Officer of a Militia Regiment in this Island, as soon as the Appointment and Allotment of Horses and Mules is compleated as aforesaid, shall send an Account, subscribed with his Hand, to the Treasurer of this Island for the Time being, of the Number of spare Horses and Mules so allotted as aforesaid; and the Treasurer afterwards, with all convenient Speed, shall provide, at the Publick Expence, proper Pads, Stirrups, Bridles, Headstalls, and Halters, to be made in the most proper and cheap Manner, for the full Number of spare Horses and Mules so allotted as aforesaid, and shall cause the same to be sent to the Colonels or Commanding Officers of the respective Regiments, that they may be distributed amongst the respective Owners of the spare Horses and Mules allotted as aforesaid, who are hereby respectively required carefully to take and preserve the same, to be delivered out on Alarms, with spare Horses and Mules allotted as aforesaid: And every Person, hereby required to keep and preserve the same, and failing to deliver them as aforesaid, or to produce or shew them to the Captain or Commanding Officer of the Company within the Verge of which he or she lives, whenever required by him, if not above once in three Calendar Months, so to do, for each Pad, with Stirrups,

Colonel to send Lists of spare Horses, &c. to Treasurer, who is to provide Pads, &c. for Distribution to Owners, to be kept for public Use.

Person not shewing them, if required, to Captain, of Verge once in three Months to forfeit for each Set of Accoutrements 20s. and

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and liable to
same Forfeiture every
three Months
successively
till Production of full
Number.

If lost, damaged, or decayed in Public Service, Treasurer to supply them.

Governor or Commander in Chief of the *Leeward* Islands to appoint Commissary General:

during War, Invasion, or Rebellion;

Stirrups, Bridles, Headstalls, or Halters, not delivered or produced and shewn as aforesaid, shall forfeit twenty Shillings, current Money of this Island, to be levied by a Warrant from the Colonel or Commanding Officer of the Regiment; one Half of which said Fines so levied the Adjutant shall retain and keep to himself; and the Person so offending shall be liable, every three Months, to the said Forfeiture, until he delivers or produces and shews the full Number of Pads, with Stirrups, Bridles, Headstalls, or Halters he or she is charged with the keeping or preserving of as aforesaid, to be levied as aforesaid.

LIII. Provided always, That if the said Pads, Bridles, Headstalls, or Halters, or any of them, shall be lost, or worn out or damaged, in the Publick Service, or be decayed or worn out by Length of Time, the same shall be made good and supplied by the Treasurer of this Island for the Time being at the Publick Expence.

LIV. And whereas it will be absolutely necessary, in all Times of Alarm during a *French* War, as well as in Times of actual Invasion or intestine Insurrection, to find and provide Ammunition, Provisions, and Rum mixed with Water, for His Majesty's Regiment posted in this Island, and for the several Corps of Militia thereof, and for the Officers and Matrosses of the respective Forts and Fortifications of the said Island, and for such Persons that shall be stationed there, and also a sufficient Number of Carts, Horses, Cattle, and Slaves, for carrying such Ammunition, Provisions, Rum mixed with Water, and the Baggage of His Majesty's said Regiment, and of the said several Corps of Militia, to such Places of Rendezvous, and to the said Forts and Fortifications, as shall be necessary for subsisting His said Majesty's Regiment, and the said respective Corps of Militia, and the said Officers and Matrosses of the said Forts and Fortifications, and other Persons that shall be stationed there; and also for issuing such Provisions for the Use thereof, and from Time to Time to purchase proper Provisions, and from Time to Time to sell the same, to prevent their being spoiled; be it therefore enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Governor or Commander in Chief of the *Leeward* *Caribbee* Islands to nominate and appoint an Officer, by the Name of Commissary General of His Majesty's said Regiment, and of all the Corps of Militia within the said Island; which said Officer is hereby authorized and impowered from Time to Time, during a War with *France*, as well as in Time of actual Invasion, intestine Rebellion, and no longer, to purchase such Quantity of Ammunition, Provisions,

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Provisions, and Rum to be mixed with Water, as shall be necessary for the supporting His Majesty's said Regiment, and the several Corps of Militia of the said Island, and the Officers and Matrosses of the said Forts and Fortifications, and such Persons as shall be stationed there during such War, and during the Time of intestine Rebellion or Insurrection; which said Provisions and Rum mixed with Water the said Commissary General shall from Time to Time, on all Alarms during a War with *France*, as well as in Time of intestine Rebellion or Insurrection, and no longer, issue out, as the Commanding Officer of His Majesty's said Regiment, or the Commanding Officers of each of the said respective Corps of Militia, and of each of the said Forts and Fortifications, shall direct.

to purchase Provisions, Ammunition, &c. and distribute them as directed by the proper Military Authorities.

LV. And be it further enacted, by the Authority aforesaid, That it shall and may be lawful for such Commissary General, so to be appointed as aforesaid, from Time to Time, as Occasion shall require, to sell such Provisions as are now purchased, or hereafter shall be purchased, for the Purposes aforesaid, and from Time to Time to repurchase others in the Room of those so to be sold, in order to prevent any Provisions from being spoiled; and all Provisions and Rum, so to be purchased, shall be paid for out of the Treasury of this Island, by an Order from the Commander in Chief of the said Island for the Time being, upon an Account examined and approved by the Council and Assembly, as hath been usual in such Cases.

Commissary may sell Provisions to prevent their spoiling, and purchase others.

Commissary's Account, after Approbation of Council and Assembly, and Order of Chief Commander, to be paid by Treasurer.

LVI. And be it further enacted, by the Authority aforesaid, That it shall and may be lawful for the said Commissary, and the said Commissary is hereby authorized and required, to impress a sufficient Number of Carts, Horses, Cattle, and Slaves, to carry such Ammunition, Provision, Rum mixed with Water, and Baggage, to such respective Places of Rendezvous as the Commanding Officer of His Majesty's said Regiment, or the Commanding Officer of each respective Corps of the said Militia, shall appoint, and to the said Forts and Fortifications, in all Times of Alarm during a *French* War, as well as in all Times of actual Invasion or Insurrection, and also to cause the same to be carried to such respective Places of Rendezvous; and the respective Commanding Officers of the said Forts and Fortifications are hereby authorized and impowered to provide for themselves and the Matrosses thereof, and for such Persons as shall be stationed at such Forts and Fortifications, as the Commanding Officers of the said Corps of Militia are hereby authorized and

Commissary may impress Carts, &c. for carrying Ammunition, &c. in Time of War, &c.

Commanders of Forts to apply for Provisions, &c. to Commissary.

See End of S. 54.

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impowered to provide for themselves and the Men of their said respective Corps.

Persons in Harbour or on Shore firing Great-Guns, between Sun-set and Sun-rise, without Governor's Order, to forfeit 20s. for each Gun fired.

LVII. And whereas the firing of Great Guns wantonly in the Night, either in the Roads, Harbours, or on the Land, may, by causing *false Alarms*, create great Fatigue and Expence to the Inhabitants of the said Island, be it enacted, by the Authority aforesaid, That no Master or other Person on board any Vessel in any of the Roads or Harbours, or any Person whatsoever on the Land, except such as are or shall be appointed by the Chief Governor or Commander in Chief for the Time being, fire any Great Guns between Sun-set and Sun-rising, under the Penalty of forfeiting twenty Shillings for every Gun which can be proved to have been fired, upon Oath before any Justice of the Peace of this Island, to be recovered by Warrant under the Hand and Seal of such Justice before whom such Complaint shall be made.

Commander in Chief may take Horses allotted to Persons ordered to Garrison, to mount others in actual Service.

LVIII. And be it enacted, by the Authority aforesaid, That upon all Alarms, or Times of actual Service, it may be, and it is hereby declared lawful for the Commander in Chief for the Time being to order and appoint Horses and Mules, broke to the Saddle, for the mounting such Men as he shall think fit to order upon immediate Service, preferable to others who may be ordered into Garrisons, notwithstanding such last-mentioned Men may have such Horses and Mules formerly allotted to them.

Damages to Individuals from Invasion, to be made good by Treasury.

LIX. And that all the Inhabitants of this Island may, as near as may be, equally bear all Injuries and Damages done by the Enemies invading the same, or by any other Means for the Publick Service, be it enacted and ordained, by the Authority aforesaid, That all such Injuries and Damages shall be appraised by two or more neighbouring Freeholders upon Oath, and the Amount thereof shall be made good out of the Treasury of this Island.

Dated at *Antigua*, the fifth Day of *July*, one thousand seven hundred and fifty-six, and in the thirtieth Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker*.

Past

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Past the Assembly the thirtieth Day of *June* one thousand seven hundred and fifty-six.

Past the Council the thirtieth Day of *June* one thousand seven hundred and fifty-six.

EDWARD GAMBLE,
Clerk to the Assembly.

JOHN WEBB,
Clerk of the Council.

Past by the Governor in Chief the fifth Day of *July*, one thousand seven hundred and fifty-six.

GEORGE THOMAS.

An Act to prevent Abuses in the Fishery about this Island. No. 209.

AMENDED by
Acts of 11th
May, 1764,
(No. 268);
and 8th Oct.
1803, (No.
577.)

PREAMBLE.

WHEREAS the Fishery of this Island hath been greatly injured of late Years by the too frequent Use of Nets or Seins of too small a Mesh, to the great Destruction of young Fish or Fry;

II. We therefore, Your Majesty's most dutiful and obedient Subjects, the Governor of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority aforesaid, That from and after the Expiration of two Calendar Months next after the Publication of this Act, no Net or Sein, except Hand-Seins for Shrimps, shall be hauled in the Sea about this Island of less Meshes or of a greater Length than herein after-mentioned; that is to say, *Every Mesh in the Bunt of each Net or Sein to be two Inches and a Half, and the Bunt not to exceed thirty Fathom hung in Length; and that the second Meshes of each Sein or Net shall not be less than three Inches, and not exceed thirty Fathom hung in Length; and that the Meshes in the Arms of each Sein or Net shall not be less than three Inches and a half, and the Arms thereof not to exceed sixty Fathoms in Length, the whole Sein or Net, when hung, not to exceed one hundred and twenty Fathom in Length; each Mesh to be measured from Knot to Knot, when extended in a direct Line; under the Penalty of forfeiting the Sein or Net, and also the Sum of fifty*

Act.
Dimensions of
Nets.

By No. 268,
Meshes in
Bunt of Net
to be two
Inches square
min. Bunt,
when hung, to
be 12 Fathoms
long max.
Second Meshes
to be three
Inches square
min. when
hung, 30 Fa-
thoms long
max. Meshes
in Arms $2\frac{1}{2}$
Inches square
min.; Arms,
when hung, 60
Fathoms long
max. Whole
Net

X x 2

Pounds,

*Net 102 Fa-
thoms long
max. Rest of
Act confirm-
ed.*

Pounds, current Money of the said Island, to the Informer who shall sue for the same, to be recovered in Manner herein-after directed.

III. Provided always, That no such Hand-Sein for Shrimps shall exceed six Fathom in Length when hung, nor be hauled at the Back of any larger Sein or Net, under the like Forfeiture and Penalty.

*Every White
Person autho-
rised to in-
spect and
measure Nets.*

IV. And be it enacted, by the Authority aforesaid, That it shall and may be lawful to and for every White Person in this Island to inspect or measure any Sein or Net, and the Meshes thereof, which shall or may, after the Expiration of the Time herein before limited, be used or hauled in the Sea about this Island, without Let, Hindrance, or Opposition from the Owners thereof, or his, her, or their White Servant or Servants; and the Owner or Owners of such Net or Sein, who shall refuse or hinder such White Person or Persons to inspect or measure the same as aforesaid, shall forfeit the Sum of Fifty Pounds, current Money of the said Island, to the Use of the Informer; and any White Servant or Servants, who shall refuse or hinder such White Person from inspecting and measuring his, her, or their Master's or Mistress's Nets or Seins as aforesaid, shall forfeit the Sum of five Pounds, current Money aforesaid, to the Person who shall inform thereof, to be recovered in Manner aforesaid.

*Penalty on
Owners of
Nets obstruct-
ing such In-
spection 50l.;
Servants of
Owners, 5l.*

*By No. 577,
S. 1. 2. these
are the Maxi-
mum Prices.
Live Green
Turtle not ex-
ceeding 50lb.
Weight,
2s. 8d. per lb.;
exceeding that
Weight 2s.
Turtle cut-up
1s. 6d. Turtle
Eggs 9d. for
four; Jew
Fish cut-up
1s. 6d. per lb.;
other fresh
Fish 9d. Sale
of 3lb. not to
be refused, un-
der 5l. Penal-
ty; Public
Punishment, if
Slave.*

V. And whereas the Subsistence of the Poor in particular, and the Inhabitants in general of the said Island, depends greatly on fresh Fish, yet the Sellers and Hucksters thereof do daily impose what Quantity of Fish they please on the said Inhabitants at their own Price; be it therefore enacted, by the Authority aforesaid, That from and after the Time before limited, no Person or Persons whatsoever shall sell or retail any Kind of fresh Fish, except Turtle and Jew Fish, at a greater Price than at the Rate of four Pence Halfpenny for every Pound of fresh Fish; and every Seller or Retailer thereof, who shall demand more than four Pence Halfpenny for every Pound of fresh Fish, or refuse to sell one Pound of fresh Fish, and so in Proportion for a greater Quantity, unto any Person or Persons demanding the same at the Rate aforesaid, shall forfeit the Sum of forty Shillings, for every Offence, to the Informer, to be recovered in Manner herein after directed.

*Forfeitures
under Act,
(and by No.
577, S. 2. For-
feitures under
that*

VI. And be it enacted, by the Authority aforesaid, That all Fines and Forfeitures incurred by this Act shall be recovered before any two Justices of the Peace for this Island, on due Proof made before them

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them against any Person or Persons offending against this Act; and upon such Offender's Refusal to pay the Penalty or Forfeiture adjudged against him or them, such Justices are hereby authorized and required to issue their Warrant under their Hand and Seal against such Offender's Goods and Chattels; and for want of sufficient Goods and Chattels to pay such Fine or Forfeiture, and all Costs incident thereto, then to issue their Warrant against the Offender's Body, who shall be committed in Execution to the Common Gaol of this Island, until he shall have paid the said Fine and Forfeiture, and all Charges incident thereto.

*that Act,) to
be recovered
as in Clause.*

Dated at *Antigua*, the eighteenth Day of *November* in the Year of our Lord one thousand seven hundred and fifty-six, and in the thirtieth Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker.*

Past the Assembly the seven-
teenth Day of *November*,
one thousand seven hun-
dred and fifty-six.

{ Past the Council the ninth
Day of *September* one
thousand seven hundred
and fifty-six.

EDWARD GAMBLE,
Clerk to the Assembly,

JOHN WEBB,
Clerk of the Council.

Past by the Governor in Chief, the eighteenth Day of *November*, one thousand seven hundred and fifty-six.

GEORGE THOMAS.

**An Act for appropriating Part of the Land already appro-
priated for a Market-Place to build an House for the
Train of Artillery.**

No. 210.
OBSOLETE.

Dated 4th *February*, 1757.

An

No. 211.

EXPIRED.

See Act of 19th
Dec. 1799,
(No. 538.)*An Act for the Assize of Bread.*

Dated 31st March, 1757.

No. 212. *An Act for the further Prevention of Damages to the Harbours, and Abuses in carrying on the Inland Trade of this Island; regulating the Hire and Manumission of Slaves; and for advertising Run-aways committed to Gaol.*

PREAMBLE.

No. 126, defective in not assigning Landing-place for Ballast.

WHEREAS an Act, intituled, *An Act for regulating the Towns and Harbours, settling of Markets, and encouraging of Wharfs in this Island, and to prevent Abuses in the Fishery about the same*, hath been found in general to be a good and useful Law; but in some Particulars defective, in others, through Change of Circumstances of the Island, is inconvenient and difficult in the Execution:

II. And whereas great Damages have arisen to the Harbour of *Saint John* and the Cove, by Persons throwing Rubbish and Ballast into the same, who have evaded paying the Fine imposed by the above recited Act, because no proper Places for receiving the Rubbish and Ballast were appointed pursuant to the said Act:

III. For supplying therefore the said Defects, and rendering the said Law more useful and convenient, we Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of Your Majesty's Island *Antigua*, most humbly pray Your Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Publication of this Act, all Rubbish and Ballast, to be landed from on board of any Ships or Vessels in the Harbour or Cove of *Saint John*, shall be landed and thrown on the *East Part of Rat Island, twenty Feet above High Water Mark*, except such as shall be landed upon Publick Wharfs, or for repairing of old Wharfs, and the immediate erecting of new ones, or any other Uses on Shore; and all Rubbish and Ballast, to be landed from on board of any Ships or Vessels in any other of the Harbours or Coves of this Island, shall be landed and thrown twenty Feet above High Water Mark in some convenient

ACT.
See Act of 18th
Oct. 1784,
(No. 428.) S.
2.

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No. 212.

A. D. 1757.

convenient Place; and if any Person or Persons shall land or throw any Ballast or Rubbish *nearer High Water Mark than twenty Feet*, shall forfeit fifty Pounds, current Money of this Island; and if any Person or Persons shall *steal or carry away* any of the Ballast or Rubbish from *Rat Island*, after the same shall be landed, shall forfeit fifty Pounds, current Money; both which Sums of fifty Pounds to be recovered in a summary Way, before two or more Justices of the Peace of this Island: And in case any *Magistrate shall refuse or neglect*, upon Information of any Rubbish or Ballast being landed or thrown contrary to the Intention of this Act, or that the same hath been stole or carried away from *Rat Island* after landed, to hear and determine the same, he shall forfeit the Sum of one hundred Pounds, current Money of this Island, to be recovered in any Court of Record of this Island, by Bill, Plaint, Information, or Action of Debt, wherein he shall not be allowed any Essoign, Protection, or Wager of Law.

See No. 428, S. 3.

See No. 428, S. 3.

See No. 428, S. 3.

IV. And whereas it hath often happened that when Vessels have sunk in the Harbours or Coves of this Island, the Owners and Proprietors of the said Vessels have suffered the same so sunk to remain, whereby great Banks are gathered, and shoal Ground occasioned, which greatly damages the said Harbours and Coves, by filling them continually; be it therefore enacted, That if any Person or Persons, being Owner or Owners, Proprietor or Proprietors, Purchaser or Purchasers of any Vessel so sunk in the said Coves or Harbours, shall suffer them to remain for the Space of two Calendar Months, the Owner or Owners, Proprietor or Proprietors, Purchaser or Purchasers of the said Vessels shall be proceeded against, in like Manner as in Case of throwing Rubbish or Ballast into the said Coves or Harbours, and shall be fined fifty Pounds, current Money, for the first Offence: And in case the same is not removed after such two Months, then the Owner or Owners, Proprietor or Proprietors, Purchaser or Purchasers of such Vessels, shall be fined fifty Pounds for every Month such Vessel shall so remain unremoved after the said two Months; such Fines to be recovered in the same Manner as the Fine for throwing Rubbish or Ballast into the said Coves or Harbours; and the Townwardens of the Town of *Saint John* for the Time being, are hereby authorized and required, to present all such Nuisances in the said Harbours and Coves, before two or more Justices of the Peace, and after Order of such Justices thereon, to see the same removed, under Penalty of fifty Pounds, to be recovered and applied in Manner herein-after mentioned.

See No. 428, S. 4.

V.

See No. 428, S.
10.

V. And be it further enacted by the Authority aforesaid, That no human or other dead body be hereafter thrown into any of the Harbours or Coves, under the like Penalty of throwing Rubbish or Ballast therein, and to be recovered in the same Manner.

Persons hawk-
ing Articles in
Clause,

(Exception)—

to forfeit such
Articles to
Person carry-
ing them, af-
ter Seizure,
before Justice.

Justice's Cer-
tificate to bar
Action for
Retention.

Treble Costs.
See No. 484,
S. 4. 5.

Articles parti-
cularised may
be hawked:
but see No.
484, S. 4.

Persons em-
ploying Slaves
to sell Goods
in Shops, &c.
(except Sur-
geons, &c.) to
forfeit 5*l.* to
Informer.

VI. And whereas great Inconveniencies have arisen to the Inhabitants, and the Trade of this Island hath greatly suffered, by Persons sending Goods and Merchandizes about the Towns and in the Country to sell, by way of hawking and pedling; to prevent which, be it further enacted, That if any Person or Persons shall hereafter send out any Person, being free or Slave, with salted Beef or Pork, or with Bread or Biscuit, or with Goods, Wares, and Merchandizes of any Sort, in Baskets, Boxes, or Trunks, or otherwise, to be sold in any of the Towns or Country, by way of hawking and pedling (except salted Beef and Pork, salt Fish, Bread, and Biscuit, as shall be sold in the Negro-Market on the usual and customary Days) all such Goods, with whatever they shall be contained in, shall be forfeited to any Person that shall carry the same before the next Justice of the Peace, who shall award the same to the Person so bringing them before him, and give him moreover a Certificate, signifying his having so done, and mentioning the Name of the Slave from whom the same were taken, to whom belonging, and the several Particulars awarded; which Certificate, together with this Act, may be given in Evidence upon any Indictment, Information, or Action for Damages, in any Suit or Prosecution against the Person to whom the same shall be adjudged; and if a Verdict be given in his Favour, or a Judgment by Confession upon Default or Demurrer, he shall be allowed treble Costs.

VII. Provided always, That cordial Waters or strong Waters (Rum excepted) fresh Provisions, feathered Fowl, Fruits, Roots, and Vegetables of the Earth, may be carried to the Towns, and there sold publickly in the Streets, and may be sold in any of the High-Roads, or any other Part of this Island; any Thing herein-before contained to the contrary notwithstanding.

VIII. And be it enacted by the Authority aforesaid, That if any Person whatsoever shall employ any Slave in selling or disposing of any Goods, Wares, or Merchandizes, in Shops or otherwise (Surgeons, Apothecaries, and Druggists excepted, for the making and disposing of their Drugs, and not otherwise) such Person, upon Proof, by Confession, or Oath of one Witness, of such Slaves having been so employed, shall forfeit for each Offence the Sum of five Pounds, current Gold

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Gold and Silver Money, to any Person that shall inform, to be recovered before one or more of His Majesty's Justices for this Island.

IX. And whereas a Custom hath prevailed for several Years past for permitting Slaves to go about the Towns and Country to hire themselves out, or take their own Liberty and pay their Masters and Mistresses for their Time, by which Means many Negroes, who were actually Runaways, under Pretence of working out, or being at Liberty to hire themselves, have been employed in the Towns or Country unknown to their Masters or Mistresses, and often Robberies are committed by such Slaves; and although an Act was passed in the Year one thousand seven hundred and two, for the better Government of Slaves and Free Negroes, in which a severe Penalty was laid on any Person or Persons who should employ or keep in his, her, or their Possession any Slave or Slaves longer than twenty-four Hours, without sending such Slave or Slaves to his, her, or their Owner or Owners, yet, from the afore-mentioned Custom, it has been extremely difficult to put the said Act in Execution; to prevent such Abuses for the future, be it further enacted, That if any Master or Mistress, Owner or Renter of any Slave, or any other Person or Persons whatsoever, shall order or direct, or shall knowingly permit or suffer any Slave, on any Pretence whatsoever, to go at large, and be at Liberty to hire him or herself out, and to seek for Business or Employment of any Kind, either in the Town or in the Country, or shall take or receive from any Slaves or Slave any Sum or Sums of Money, or other Consideration, for allowing or giving up such Slave his or her own Time, such Master or Mistress or Renter shall forfeit not less than five Pounds, or more than ten Pounds, to any Person who shall inform before any two Justices of the Peace, who are hereby required to hear and determine the same; and any Person that shall employ, hire, or take into his or her Service, any Slave belonging to another Person, without Agreement and Consent of that other Person, or shall pay or cause to be paid to any Slave, though openly and legally rented to him or her, the Wages due for the Work or Labour of such Slave, or any Part thereof, but by Order, Direction, and Consent of the Person from whom such Slave is hired, shall forfeit the Sum of five Pounds to the Informer, over and above any Penalties already inflicted by former Laws, to be recovered in a summary Way, as the other Fines are by this Clause; and if any Slave or Slaves shall, without the Privity or Knowledge of his, her, or their Master, Mistress, Renter, Possessor, or Overseer, go about the

Owners permitting Slaves to hire themselves out to others, to forfeit 5*l.* *min.* 10*l.* *max.* to Informer before two Justices.

Persons employing, or paying Slave, without Owner's Consent, to forfeit 5*l.* in addition to Penalties under former Laws.

Slave roaming for Employment, without Authority of Master,

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No. 212.

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Master, on
Apprehen-
sion, to be
whipped.

Master refus-
ing to clear
himself on
Oath of having
given such Au-
thority, liable
to first Penalty
in Clause.

See Act of 12th
July, 1800,
(No. 546,) S.
1, 2, 3, 4.

See Act of the
LEEWARD
Islands, No.
36, S. 12.

Country seeking for Business or Employ, or shall sell any Goods, Wares, and Merchandizes, it shall be lawful for any Person meeting with or knowing of any such Slave, to carry him or her to any Justice of Peace, who is hereby authorized and impowered to order him or her any Number of Stripes not exceeding fifty; and if such Slave shall assert, that he or she was to give any Thing for his or her Liberty, or that he or she had Leave from his or her Master, Mistress, Renter, Possessor, or Overseer, to seek out for Labour as aforesaid, the said Justice is hereby required to order such Master, Mistress, Renter, Possessor, or Overseer before him; and if he or she refuse to clear him or herself by Oath, or, being a Quaker, by solemn Affirmation, he or she shall be looked upon as consenting to such Slave's having his or her Liberty, and shall be liable to the Penalty in this Clause first-mentioned, to be recovered as aforesaid; save and except, that Nothing in this Clause contained shall extend or be construed to extend to any Negro Men Slaves, who are or shall be employed in the Towns as Porters, provided such Slave or Slaves so employed do always carry a Badge, made of a broad Piece of Lead, hung round his or their Necks, with the Word PORTER marked or stamped on it, and that they always have a Ticket from his or their Owner, Master, Mistress, or Renters, signifying his, her, or their Permission of such Slave or Slaves being employed as Porters; and if any such Porter-Slave shall refuse to work by the Day or by the Job, or shall require, by Agreement before-hand, or demand after such Labour done, any exorbitant Price for such Labour, it shall be lawful for any Justice of the Peace to hear a Complaint for such Refusal to work, or exorbitant Hire taken or demanded, and punish such offending Slave at Discretion, according to the Heinousness of the Offence; and every Justice of the Peace shall hear and determine such Complaints, without demanding or taking any Fee for the same.

X. And whereas a barbarous and inhuman Custom hath prevailed of manumitting and setting-free Slaves diseased, blind, aged, or otherwise disabled from working, and at the same Time no-ways providing proper Cloathing, Habitation, and Sustenance for such Slaves, but suffering them to ramble about and beg for their Subsistence; be it therefore enacted, That if any Person or Persons shall hereafter manumit or set-free any Slave or Slaves, he, she, or they, or the Representatives of such Person or Persons, shall provide a proper House, and sufficient Clothing and Diet for such Slave or Slaves; and if any Slave or Slaves so freed shall afterwards be found rambling or begging, through the Neglect of such Person or Persons, he, she or they, or their Representatives,

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No. 212.

A. D. 1757.

Representatives, shall be fined, upon good Proof, by any two Justices of the Peace, in any Sum not exceeding twenty Pounds, or less than five Pounds; one Half to the Informer, and the other to the Publick, to be disposed of as herein-after directed; and any Person suffering any Slave or Slaves blind, diseased, aged, or otherwise disabled from working, to ramble or beg about the Towns or Country, such Persons offending shall be punished in the same Manner as if he, she, or they had regularly manumitted and neglected to make proper Provision as aforesaid.

XI. And whereas by an Act for the better Government of Slaves and Free Negroes; dated the twenty-eighth of *June*, one thousand seven hundred and two, it is enacted, That the Provost Marshal or his Deputy shall receive into the Common Gaol all Runaway Negroes, not knowing or confessing their Masters' Names, and shall fix a List of such Slaves at the Prison Door, which Slaves, so brought to him and lying in Gaol three Months, are by the said Act ordered to be sold; which said Circumstance of fixing Lists, at Prison Doors only, hath been found to be detrimental to the Owners of new Negroes so run-away, by Reason of the Prison or Gaol being out of the common and ordinary Sight of Owners of Negroes, be it therefore enacted, That the Provost Marshal or his Deputy shall and is hereby ordered to cause an Advertisement to be inserted in the Publick *Gazette* of this Island, within six Days next after receiving such Negroes in the Common Gaol, containing the Name or Names of all such Negroes in his Custody, their Age and Masters' Names, if known, but if not, an exact Description of the Persons of such Slave or Slaves; which Advertisement shall be re-published once in every Month, while such Negro shall continue in Gaol, under Penalty of five Pounds for every Neglect, to be recovered as hereafter mentioned.

XII. And whereas through the too great Indulgence of Masters, Mistresses, Owners, Renters, and Overseers of Slaves, or the Ambition of the Slaves themselves, they have endeavoured to imitate White Persons in pompous and expensive Funerals, be it therefore enacted, That from henceforth no Slave or Slaves, in any of the Towns of this Island, shall be buried after Sun-set; and that no Slave or Slaves shall be buried in any other than a plain Deal-board Coffin, without any Covering or Ornament, neither shall there be worn any Scarfs or Favours at any of their Funerals; and all Persons are hereby declared to have full Power and Authority to seize any Slave or Slaves wearing Scarfs or Favours, and them to bring before any one Justice of the Peace; which said Justice may order the said

Y y 2 Slave

RECITAL of
No. 130, S. 7.

ACT.

Marshal to advertise Runaway Negroes in six Days after Imprisonment, and monthly till claimed, on Penalty of 5*l*. recoverable as in S. 14.

See No. 556,
S. 12.

Funerals of
Slaves regulated.

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No. 212.

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Slave or Slaves any Number of Stripes not exceeding fifty, and shall take away such Scarfs or Favours, and give them to the Person who brought the said Slave or Slaves so offending before him, for the said Person's sole Use and Benefit.

Swine at large in Town of *St. John* may be killed; not claimed in an Hour, forfeited.

Fines not before disposed of, under 5*l.* to be levied by Warrant of Justice; above 5*l.* by Warrant of Justices.

In Default of Goods, Offender to be committed for Punishment at next Grand Sessions.

Fines, Half to Informer, Half to Treasury.

Persons aggrieved, giving Security, to be reheard before Justices in Sessions.

Frivolous Appeal punished. Treble Cost.

Act in Force three Years.
Last Continuation, 29th Feb. 1780, (No. 398.)

XIII. And be it further enacted, That it shall and may be lawful for any Person, free or Slave, to kill any Swine running at large in the Streets of the said Town of *Saint John*; and all Swine so killed shall be the Property of the Person or Persons killing the same, unless claimed or taken away within one Hour after being killed.

XIV. And be it enacted by the Authority aforesaid, That all Fines, Fees, or Monies imposed by Virtue of this Act, and not particularly specified how to be levied, shall be levied, if under five Pounds, by Warrant under the Hand and Seal of one Justice of the Peace, and all of or exceeding five Pounds by Warrant under the Hands and Seals of two or more Justices of the Peace, by Distress and Sale of the Offender's Goods; and for Want of Goods whereon to levy, the Offenders to be committed to the Common Gaol of this Island, and there to remain until the next Court of King's Bench and Grand Sessions of the Peace, where they may be punished with corporal Punishment or Correction, as shall be ordered by the Court; and all Monies arising from the Fines laid and imposed by this Act, and not already disposed of, shall go and enure, the one Half to the Informer, and the other Half to the Publick Treasury of this Island, to be disposed of as the Commander in Chief for the Time being, and the Council and Assembly shall think fit; but if any Person or Persons shall think him or herself aggrieved by the Determination of any one or more Justices of the Peace out of the Sessions, such Person or Persons may have a Rehearing of his, her, or their Case, before the Justices in Sessions, on giving Security for his, her, or their Appearance: And in case the same Appeal shall, upon a Rehearing before the Justices in Sessions, be found frivolous, he, she, or they shall be punished at the Discretion of the said Justices in Sessions, and shall pay treble Costs and treble Fees.

XV. And be it enacted by the Authority aforesaid, That this Act shall continue and be in Force for three Years from the Publication thereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated at *Saint John's* the twenty-fifth Day of *November*, one thousand seven hundred and fifty-seven, and in the thirty-first Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker.*

Past

31st GEO. II.

Nis. 212, 213.

A. D. 1757.

Past the Assembly the twenty-fourth Day of November, one thousand seven hundred and fifty-seven.

Past the Council the twenty-fourth Day of November, one thousand seven hundred and fifty-seven.

EDWARD GAMBLE,
Clerk to the Assembly.

JOHN WEBB,
Clerk of the Council.

Past by the Governor in Chief, the twenty-fifth Day of November, one thousand seven hundred and fifty-seven.

GEORGE THOMAS.

An Act to enable Infants who are seised or possessed of No. 213.
Estates in Fee, in Trust or by way of Mortgage, to
make Conveyances of such Estates.

WHEREAS many Inconveniencies do and may arise in this Your Majesty's Island *Antigua*, and the Islands thereto adjacent and belonging, by Reason that Persons under the Age of one-and-twenty Years, having Estates in Lands, Tenements, Slaves, or Hereditaments, lying in Your said Majesty's Island *Antigua*, and the Islands thereto adjacent and belonging, only in Trust for others, or by Way of Mortgage, cannot (though by the Direction of the Cestuique-Trust or Mortager) convey any sure Estate in any such Lands, Slaves, or Hereditaments, to any other Person or Persons :

PREAMBLE.

II. For Remedy thereof, we Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained, and it is hereby enacted and ordained, by the Authority aforesaid, That from and after the Publication of this Act, it shall and may be lawful to and for any such Person or Persons under the Age of one-and-twenty Years, by Direction of the Court of Chancery of Your Majesty's said Island *Antigua*, or the Court of Exchequer of the said Island, signified

ACT.
Minors possessed of Estates in Trust, or by way of Mortgage, impowered to convey such Estates

31st GEO. II.

No. 213.

A. D. 1758.

Estates under
the Direction
of the Court
of Chancery
or Exchequer,
after Hearing
of all Parties
on *ex parte*
Petition.

fied by an Order made upon hearing all Parties concerned, on the Petition of the Person or Persons for whom such Infant or Infants shall be seised or possessed in Trust, or of the Mortgager or Mortgagers, or Guardian or Guardians of such Infant or Infants, or Person or Persons intitled to the Monies secured by or upon any Lands, Tenements, Slaves, or Hereditaments, whereof any such Infant or Infants are or shall be seised or possessed, by way of Mortgage, or of the Person or Persons intitled to the Redemption thereof, to convey and assure any such Lands, Tenements, Slaves, or Hereditaments, in such Manner as the said Court of Chancery or the Court of Exchequer shall, by such Order so to be obtained, direct to any other Person or Persons; and such Conveyance or Assurance, so to be had and made as aforesaid, shall be as good and effectual in Law, to all Intents and Purposes whatsoever, as if the said Infant or Infants were, at the Time of making such Conveyance or Assurance, of the full Age of one-and-twenty Years; any Law, Custom, or Usage to the contrary in any-wise notwithstanding.

Minors may
be compelled
by Order so
obtained to
make such
Conveyances.

III. And be it further enacted by the Authority aforesaid, That all and every such Infant or Infants, being only Trustee or Trustees, Mortgagee or Mortgagees as aforesaid, shall and may be compelled, by such Order so as aforesaid to be obtained, to make such Conveyance or Conveyances, Assurance or Assurances as aforesaid, in like Manner as Trustees or Mortgagees of full Age are compellable to convey or assign their Trust-Estates or Mortgages.

Dated at *Saint John's*, this eighth Day of *May*, in the Year of our Lord one thousand seven hundred and fifty-eight, and in the thirty-first Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker*.

Past the Assembly the twenty-
eighth Day of *February*, one
thousand seven hundred and
fifty-eight.

{ Past the Council the eighth
Day of *May*, in the Year of
our Lord one thousand seven
hundred and fifty-eight.

EDWARD GAMBLE,
Clerk to the Assembly.

JOHN WEBB,
Clerk of the Council.

Past

31st GEO. II.

Nis. 213, 214.

A. D. 1758.

Past by the Governor in Chief, the eighth Day of *May*, one thousand seven hundred and fifty-eight.

GEORGE THOMAS.

An Act *supplementary to an Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, in the fourteenth Year of the Reign of His present Majesty, and in the Year of our Lord one thousand seven hundred and forty.*

No. 214.

See No. 194,
and References
ibid.

WHEREAS by the said Act, intituled, *An Act for increasing the Number of White Inhabitants in this Island*, it is, among other Things enacted, That every Owner, Renter, or Possessor of Slaves within this Island, or the Islands adjacent and thereto belonging, shall, for every thirty Slaves he, she, or they shall own or possess, keep and maintain, in his, her, or their constant and daily Service and Employ, one able White Man; and all Persons whatsoever, that shall not have their Complement or Number of White Men, according to such Proportion, within one Year after the twenty-fifth Day of *February* next ensuing the Date of the said Act, or who, at any Time thereafter, shall want any of his or her Number of Servants thereby required, shall pay into the Publick Treasury twenty Pounds, Money of this Island, for each Year, and so in Proportion for any Time less than one Year, if such lesser Time exceeds thirty Days, else Nothing to be paid for such lesser Time, on or before the first Day of *June* in every Year during the Continuance of the said Act: And in the said recited Act there is a Proviso, that every able White Man, being a Tenant of five Acres of Land, and living constantly thereon, free from all Rent or Recompense to the Owner of such five Acres, shall be looked upon, deemed, and allowed as a Servant to such Owner, as long as he shall so live thereon; save that if any Servant, as Tenant as aforesaid, shall serve as a Gunner or Matross on any of the Forts or Fortifications of this Island, or shall be in any Employment or Office of Profit in this Island, under the Crown or the Publick of this Island;

PREAMBLE.
Recites in Part
No. 194.

or

31st GEO. II.

No. 214.

A. D. 1758.

or shall be employed in any Shallop, Boat, or Vessel commonly called Sugar Droughers, or which shall carry Goods for Profit, Hire, or Freight, in or about this Island, such Servant or Tenant shall not be deemed a Servant within the Meaning of this Act, as long as any such Impediment shall continue, as by the said recited Act may appear :

That when No. 194 passed, Navigators of Sloops, &c. were deemed of little Use in Public Defence :

II. And whereas at the Time of passing the said recited Act all Servants who were employed in any Sloop, Shallop, Boat, or Vessel, commonly called Sugar Droughers, or which carried Goods for Profit, Hire, or Freight, in and about this Island, were deemed of little Use in the Defence of this Island, as they did no Duty in the Militia of this Island :

That since making No. 194, a Company of Artillery had been instituted, under No. 208 :

III. And whereas since the making of the said recited Act, one other Act was made, bearing Date the fifth Day of *July*, one thousand seven hundred and fifty-six, intituled, *An Act supplementary to an Act, intituled, An Act for regulating the Militia of this Island, and for altering and amending the same ; and for making a proper Provision for the said Militia, in Time of War ;* whereby it was enacted, that the Chief Governor of this Island for the Time being should be and is thereby authorized and impowered to select and appoint a Company of Artillery Men, not exceeding thirty in Number, draughted out of the Militia of this Island, and so from Time to Time to keep up that Number, to be trained and exercised by Officers then already or thereafter to be appointed by the said Governor in Chief, who should exercise the said Company of Artillery once every Month, by firing Field-Pieces, Mortars, Cohorns, or Haubitizers, at a Mark placed in the Sea for that Purpose, or so, by quick and repeated Firings, as might be most conducive to render the Cannoneers and Bombardiers expert in that Service ; and the said Monthly Meeting, for the Exercise of the said Artillery Company, should be at such Day and Place as should be appointed by the said Commander in Chief for the Time being, as by the said last recited Act may appear :

That said Company of Artillery was chiefly composed of White Men employed in Sloops, &c.

IV. And whereas in pursuance of the said recited Act, the Chief Governor of this Island hath selected and appointed a Company of Artillery Men, who are trained and exercised by Officers appointed by the said Chief Governor, who exercise the said Company of Artillery once every Month, according to the Directions of the said last recited Act ; which said Artillery Company is chiefly composed of White Men employed in such Sloops, Shallops, Boats, or Vessels as aforesaid, who do Duty in the said Artillery Company on Monthly Meetings

31st GEO. II.

No. 214.

A. D. 1758.

Meetings and Alarms, whereby they are become useful, and will be serviceable in the Defence of this Island;

V. We Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby further enacted and ordained, by the Authority aforesaid, That all and every White Man, who have been employed in such Sloops, Shallops, Boats, and Vessels as aforesaid, shall be allowed and taken as a White Servant or White Servants, from the twenty-fifth Day of *May*, one thousand seven hundred and fifty-seven, within the Meaning and Intention of the said first recited Act; and all and every able White Man, who shall hereafter be employed in such Sloops, Shallops, Boats, or Vessels as aforesaid, shall be deemed and taken as a White Servant or White Servants, within the Meaning of the said first recited Act, and shall be given in upon Oath to the Treasurer of this Island for the Time being, or other Magistrate appointed to take an Account thereof, by the Owner or Owners of such Sloops, Shallops, Boats, or Vessels, in the same Manner, and at the same Time, as their Servants are given in and sworn to, according to the Directions of the said first recited Act; any Thing in the said first recited Act contained, or any Law, Usage, or Custom to the contrary thereof in any-wise notwithstanding.

Dated at *Saint John's*, the seventh Day of *June*, one thousand seven hundred and fifty-eight, and in the thirty-first Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker*.

Past the Assembly the seventh
Day of *June*, one thousand
seven hundred and fifty-
eight.

Past the Council the seventh
Day of *June*, in the Year of
our Lord one thousand seven
hundred and fifty-eight.

EDWARD GAMBLE,
Clerk to the Assembly.

JOHN WEBB,
Clerk to the Council.

31st GEO. II.

Nis. 214 — 218.

A. D. 1758.

Past by the Governor in Chief, one thousand seven hundred and fifty-eight.

GEORGE THOMAS.

No. 215.
OBSOLETE.

An Act to continue an Act, intituled, An Act supplementary to an Act, intituled, An Act for regulating the Militia of this Island, and for altering and amending the same; and for making a proper Provision for the said Militia in Time of War.

Dated 7th June, 1759.

No. 216.
EXPIRED.
See Act of
19th Dec.
1799, (No.
538.)

An Act to continue an Act for the Assize of Bread.

Dated 11th January, 1760.

No. 217.
EXPIRED.
See Act of
20th July,
1773, (No.
348.)

An Act to continue an Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.

Dated 31st January, 1760.

No. 218.
EXPIRED.
See respecting
Harbours, Act
of 18th Oct.
1784, (No.
428;) respect-
ing Streets,
Act of 29th
July, 1801,
(No. 556.)

An Act to amend an Act, intituled, An Act supplementary to an Act for regulating the Towns and Harbours, settling Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same.

Dated 27th February, 1760.

10th GEO. I.

Nis. 219 — 222.

A. D. 1724.

The eighteen following Acts, from No. 219 to No. 236, inclusive, which have only their Titles printed, are not, as it regards preceding Acts, in their Place according to the *Order of Time*; which is thus accounted for. In the original Publication of this Part of the Laws, they were selected from the Acts printed at length, and inserted at the *End* of the then second Volume, and numbered. Were they now introduced at the Periods of enacting them, the *Numerical Order* of the Acts from No. 182 to 218, inclusive, would be changed; and multiplied References disturbed. An Arrangement of these Acts according to the Method elsewhere followed, is also forbidden by the Circumstance, that the thirty-seven preceding Acts are referred to in the Order now preserved, by an Act of 4th May, 1762, (No. 255,) passed to declare the Collection then printed to be Law.

10th GEORGE I. A. D. 1724.

An Act for selling of certain Lands lately belonging to No. 219.
Andrew Murray, late of this Island, Esquire, deceased.

Dated 27th February, 1724.

An Act to supply the Defects of certain Conveyances made No. 220.
of certain Lands and Negroes in Antigua, belonging
to Baptist Looby, Esquire.

Dated 4th March, 1725.

An Act for the Banishment of several Negro Slaves con- No. 221.
cerned in the late Conspiracy.

Dated 8th March, 1728.

An Act for cutting off the Intail of certain Lands for- No. 222.
merly of John Bradshaw, deceased, and settling the
same upon Francis Delap of the Island of Antigua,
Merchant, and his Heirs, subject to the Right, and
charged and burthened with several Sums of Money
herein after-mentioned.

Dated 31st January, 1729.

4th GEO. II.

Nis. 223—226.

A. D. 1731.

- No. 223. **An Act** to enable Henry Lyons of the Island of Antigua, Gentleman, to sell and dispose of certain Lands herein after-mentioned.

Dated 1st June, 1731.

- No. 224. **An Act** to enable Robert Oliver of the said Island, Gentleman, to confirm and make good the Title of certain Lands by him sold to the Honourable Edward Byam, Esquire, Lieutenant Governor of the said Island.
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- No. 225. **An Act** for attainting several Slaves who abscond and are fled from Justice; and for the Banishment of others concerned in the late Conspiracy.

Dated 11th April, 1737.

- No. 226. **An Act** to empower John Tomlinson of the Island of Antigua, Esquire, one of the Executors of Samuel Byam, late of Antigua, Esquire, deceased; and in case of the Death of the said John Tomlinson, to empower the other acting Executors of the said Samuel Byam, or the Survivors of them, or the Executors or Administrators of the Survivor of them, to sell certain Lands and Tenements in Antigua, and the Reversion of certain Slaves being in Antigua, which were belonging to the said Samuel Byam at his Death, for and towards Payment of the Debts of the said Samuel Byam; and also to empower Stephen Blizard and Francis Delap, Esquires, both of Antigua, the two
surviving

12th GEO. II.

Nis. 226—229.

A. D. 1739.

surviving Executors of Henry Osborn, late of Antigua, Esquire, deceased, or the Survivor of them, or the Executors or Administrators of the Survivor of them, to sell an undivided Fourth-part, which was of the said Henry Osborn, deceased, at his Death, of certain Lands situate in Saint John's Town in Antigua, for and towards Payment of the Debts of the said Henry Osborn.

Dated 14th March, 1739.

An Act for the Sale of Part of the real Estate late of Samuel Byam, Esquire, deceased, situate in this Island, for and towards the Payment of his Debts.

Dated 31st May, 1742.

An Act for particularly applying Part of the Money granted by an Act, bearing Date the eighth Day of June, one thousand seven hundred and forty-two, and intituled, An Act for raising a Tax for paying Publick Debts, and particularly applying the said Tax; and for restraining the Soldiers of His Majesty's Forces posted in this Island from deserting and idling; and for appraising and valuing Rat Island, and paying the Owners thereof.

Dated 6th September, 1742.

An Act for appraising and valuing Rat Island, and paying the Owners thereof.

Dated 30th October, 1742.

An

16th GEO. II.

Nis. 230—233.

A. D. 1743.

No. 230. *An Act for the Sale of certain Lands, Tenements, and Slaves in this Island, late of George Byam, Merchant, deceased; and for the placing out at Interest the Money arising by such Sale in the Publick Funds, or in Government Securities, or upon real Securities in this Island.*

Dated 17th January, 1743.

No. 231. *An Act for the Sale of Part of the real Estate of William Lindsey, late of the Island of Antigua, Gentleman, deceased, situate in the said Island, for and towards Payment of the Debts of the said William Lindsey.*

Dated 24th July, 1746.

No. 232. *An Act for granting the Labour of a Number of Slaves for making a Causey over to Rat Island, for the Conveniency of the Barracks thereon, and for building a Publick Court-House.*

Dated 24th May, 1748.

No. 233. *An Act to confirm and establish certain Articles of Agreement entered into between John Gray, Esquire, and Elizabeth his Wife, and Ralph Payne, Esquire; and to settle and assure the Plantations, Negro and other Slaves and Things comprized therein, to the Uses thereby agreed upon.*

Dated 4th August, 1753.

32d GEO. II.

Nis. 234—237.

A. D. 1758.

An Act for ascertaining the *Freights of Sugar, Rum, and other Produce of this Island, which shall be carried and transported from one Part of the said Island to another Part of the said Island, or to and from any of the Islands thereto adjacent and belonging, during the present War with France, in any Sloops, Shallops, Boats, or Vessels commonly called Sugar Droughers.* No. 234.

Dated 14th July, 1758.

An Act for the encouraging *Privateers to cruize about the Island Antigua.* No. 235.

Dated 14th July, 1758.

An Act for the *Ease and Relief of several Insolvent Debtors now confined in the Common Gaol, and of others who may become Insolvent; and for the Encouragement of divers other Persons, who have become Fugitives for Debt, to return to this Island.* No. 236.

Dated 14th July, 1758.

An Act raising a *Tax for paying Public Debts and Charges, and particularly applying the said Tax.* No. 237.

EXPIRED.

Dated 23d May, 1760.

1st GEO. III.

Nis. 238 — 240.

A. D. 1761.

No. 238.

EXPIRED.

See Act of 21st
Jan. 1791,
(No. 475.)

An Act for the further Continuance of An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

Dated 3d January, 1761.

No. 239.

EXPIRED.

An Act for the further Continuance of an Act, intituled, An Act for appointing Henry Willmot, Esquire, Agent for this Island; and ascertaining a Salary for that Service.

Dated 3d January, 1761.

No. 240.

EXPIRED.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's thirty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

Dated 13th February, 1761.

An

1st GEO. III.

Nis. 241 — 244.

A. D. 1761.

An Act for further preventing of Damages to the Harbours, and Abuses in carrying on the Inland Trade of this Island; regulating the Hire, and Manumission of Slaves; and for advertising Runaways committed to Gaol.

No. 241.
EXPIRED.

Dated 20th February, 1761.

An Act for regulating Elections of Representatives to serve in the General Assemblies of this Island; and for limiting the Time of Continuance of Assemblies.

No. 242.
NOT CONFIRMED.

Dated 2d May, 1761.

An Act for building and compleating the Remaining three-seventh Parts of the Hospital belonging to the additional Barracks.

No. 243.
OBSOLETE.

Dated 2d May, 1761.

An Act to prohibit Assurance on Ships and Vessels belonging to France, and on Merchandizes or Effects laden therein, and also on all other Ships and Vessels trading, or going to, or coming from France, or any of the French Dominions, Settlements, or Plantations, and on Merchandizes and Effects thereon laden or to be laden, during the present War with France.

No. 244.
EXPIRED.

Dated 2d May, 1761.

1st GEO. III.

Nis. 245—248.

A. D. 1761.

No. 245. *An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax.*

EXPIRED.

Dated 5th May, 1761.

No. 246. *An Act for the further continuance of an Act, intituled, An Act supplementary to an Act, intituled, An Act for regulating the Militia of this Island, and for altering and amending the same; and for making a proper Provision for the said Militia in Time of War.*

EXPIRED.
See Act of 30th
March, 1793,
(No. 485.)

Dated 4th July, 1761.

No. 247. *An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail, and applying the same.*

EXPIRED.
See Act of 6th
Sept. 1788,
(No. 456.)

Dated 30th October, 1761.

No. 248. *An Act for raising a Number of able-bodied Slaves to serve as Pioneers against the Island of Martinico, or such other Islands in these Seas as shall be attacked by His Majesty's Forces.*

EXPIRED.

Dated 24th November, 1761.

2d GEO. III.

Nis. 249—251.

A. D. 1762.

An Act for the further continuance of An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions, and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

No. 249.
EXPIRED.
See Act of 21st
Jan. 1791,
(No. 475.)

Dated 16th January, 1762.

An Act for the further continuance of an Act, intituled, An Act for appointing Henry Wilmot, Esquire, Agent for this Island, and ascertaining a Salary for that Service.

No. 250.
EXPIRED.

Dated 16th January, 1762.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's Thirty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

Dated 30th January, 1762.

2d GEO. III.

Nis. 252 — 255.

A. D. 1762.

No. 252. *An Act to continue an Act supplementary to an Act, intituled, An Act for regulating the Towns and Harbours, settling Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same.*

EXPIRED.

Dated 20th March, 1762.

No. 253. *An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax.*

EXPIRED.

Dated 30th April, 1762.

No. 254. *An Act for raising a Number of able-bodied Slaves to serve as Labourers and Pioneers upon an intended Expedition under the Command of the Right Honourable the Earl of Albemarle.*

EXPIRED.

Dated 4th May, 1762.

No. 255. *An Act for printing certain Acts of the Island of Antigua, made and passed in the Years one thousand seven hundred and twenty-five, one thousand seven hundred and twenty-six, and one thousand seven hundred and thirty, since the fifteenth Day of January, one thousand seven hundred and thirty; and also, the Titles of several Acts that have not been printed.*

PREAMBLE.

WHEREAS great Inconveniencies arise, from Want of the Acts of this Island being printed, that have been made and passed in this Island;

2d GEO. III.

No. 255.

A. D. 1762.

Island; to obviate which, Your Majesty's Governor, by and with the Consent of the Council and Assembly of this Your Majesty's Island *Antigua*, came to a Resolution, that a Collection should be made of such Laws of the said Island, as have been made and passed, and have not been printed by Your Majesty's Printer: And whereas a Committee of the said Council and Assembly have made a Collection of such Laws, comprehending Acts to the Number of thirty-seven; the first of which Acts being an Act, intituled, *An Act to invest certain Lands in His Majesty, His Heirs and Successors, for the Use of His Majesty's Ships of War*, and dated in *Antigua* the twenty-fifth Day of *September*, one thousand seven hundred and twenty-five; and the last of the said Acts being an Act, intituled, *An Act supplementary to an Act for regulating the Towns and Harbours, settling Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same*, dated the twenty-seventh Day of *February*, one thousand seven hundred and sixty: And whereas the Collection of the said Acts hath been inspected and approved by Your Majesty's said Governor and the said Council and Assembly; we therefore Your Majesty's most loyal and dutiful Subjects, the said Governor and the Council and Assembly of Your Majesty's said Island *Antigua*, humbly pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted by the Authority aforesaid, That the said Collection of Acts shall be printed by Your Majesty's Printer for the time being, and such Collection, when printed, together with the now printed Acts of Assembly, intituled, Acts of Assembly passed in the *Caribbee Leeward Islands*, from one thousand six hundred and ninety, to one thousand seven hundred and twenty-four, were the Public Acts of *Antigua* that were in force, and to be esteemed, adjudged, and taken Public Acts of *Antigua* in force on the eleventh Day of *August*, one thousand seven hundred and twenty-four, being the Date of the last Act in the said printed Acts contained, and on the twenty-seventh Day of *February*, one thousand seven hundred and sixty, being the Date of the last Act in the new Collection of Acts to be printed by Virtue hereof; and that all such Acts as were, by such printed Acts of Assembly, or are thereby, or are hereby declared to be Public Acts on the said twenty-seventh Day of *February*, one thousand seven hundred and sixty, as far as the same are not since altered or repealed by any other Act of this Island, nor were temporary, are now Acts of *Antigua* in force, and shall be so deemed, adjudged, and taken, in all Courts of Judicature of this Island and elsewhere.

Inconvenience from Acts, then passed, not being printed:

A Committee had formed into a Collection such unprinted Acts, beginning No. 182, ending No. 218.

Which had been approved by Authority.

ACT.
Such Collection of Acts to be printed; and they, together with Acts before printed, ending No. 180; as far as they were not subsequently repealed, nor altered, nor expired; to be Public Acts in force in *Antigua*.

2d GEO. III.

No. 255.

A. D. 1762.

Certain Modifications.

II. Provided always, that Nothing in this Act contained shall be construed to give Force to any Act or Acts of *Antigua* whatsoever, which, on the said twenty-seventh Day of *February*, one thousand seven hundred and sixty, was or were lying before His late Majesty King *George* the Second, or now lie before Your Majesty for the Royal Assent, and was or were then, or hath or have been since, or shall be hereafter dissented to; but yet such Act or Acts not yet so dissented to, shall have their Force till dissented to by Your Majesty, Your Heirs or Successors.

Such Acts, printed as directed, to be Evidence.

III. And be it further enacted by the Authority aforesaid, That the printed Collection of Acts by this Act directed to be printed by Your Majesty's Printer for the Time being, shall, when printed by such Printer, be admitted as Evidence in all Courts of Judicature in this Island and elsewhere.

Dated at *St. John's*, the fourth Day of *May*, one thousand seven hundred and sixty-two, and in the second Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

SAMUEL MARTIN, *Speaker*.

Passed the Assembly the first
Day of *April*, one thousand
seven hundred and sixty-
two.

{ *May* 4th, 1762. Passed the
Council.

By Command.

EDWARD GAMBLE,
Clerk to the Assembly.

THOMAS OLIVER,
Clerk of the Council.

Passed by the Governor in Chief the fourth Day of *May*, one thousand seven hundred and sixty-two.

GEORGE (L.S.) THOMAS.

ANTIGUA. Published this fifth Day of *May*, one thousand seven hundred and sixty-two.

SAMUEL H. WARNER, *Dep. Pro. Marshal*.

2d GEO. III.

Nis. 256—258.

A. D. 1762.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's thirty-eighth Regiment, that went upon the Expedition against Martinique, during the Time they were absent, from this Island, upon the said Expedition.

No. 256.
EXPIRED.

Dated 23d September, 1762.

An Act for the further Continuance of An Act for establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

No. 257.
EXPIRED.
See Act of 21st
Jan. 1791,
(No. 475.)

Dated 28th January, 1763.

An Act for the further continuance of An Act supplementary to an Act, intituled, an Act for regulating the Towns and Harbours, settling Markets, and encouraging Wharfs in this Island, and to prevent Abuses in the Fishery about the same.

No. 258.
EXPIRED.

Dated 28th January, 1763.

An

- No. 259. *EXPIRED.* **An Act** for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's thirty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

Dated 28th January, 1763.

- No. 260. *EXPIRED.* **An Act** for the further Continuance of an Act, intituled, An Act for appointing Henry Wilmot, Esquire, Agent for this Island; and ascertaining a Salary for that Service.

Dated 28th January, 1763.

- No. 261. *EXPIRED.* **An Act** for the further continuance of an Act for the Assize of Bread.

Dated 28th January, 1763.

- No. 262. *EXPIRED.* **An Act** raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax.

Dated 14th May, 1763.

- No. 263. *EXPIRED.* **An Act** supplementary to an Act, intituled, An Act for regulating the Militia of this Island.

Dated 14th May, 1763.

3d GEO. III.

Nis. 264—267.

A. D. 1763.

An Act for the Ease and Relief of several Insolvent Debtors. No. 264.
OBSOLETE.

Dated 23d September, 1763.

An Act for ascertaining the Freights of Goods and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported from one Part of the said Island to another Part of the said Island, or to and from any of the Islands thereto adjacent and belonging, in any Sloops, Shallops, Boats, or Vessels commonly called Sugar Droughers. No. 265.
EXPIRED.
See Act of 21st Feb. 1799, (No. 532.)

Dated 21st October, 1763.

An Act for the Ease and Relief of several Insolvent Debtors now in the Jail of Saint John. No. 266.
OBSOLETE.

Dated 25th November, 1763.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's thirty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers. No. 267.
EXPIRED.

Dated 10th February, 1764.

No. 268. *An Act to amend an Act, intituled, An Act to prevent Abuses in the Fishery about this Island.*

PREAMBLE.

The Meshes
of Fishing-
net, as fixed
by No. 209,
S. 2. found
to be too
large.

WHEREAS by an Act of this Island bearing Date the eighteenth Day of *November*, one thousand seven hundred and fifty-six, it is, among other Things, enacted, that, from and after the Expiration of two Calendar Months next after the Publication of the said Act, no Net or Sein, except Hand-seins for Shrimps, shall be hauled in the Sea about this Island, of less Meshes or of greater Length than therein after-mentioned, that is to say, every Mesh in the Bunt of each Net or Sein shall not be less than two Inches and a half, and the Bunt not to exceed thirty Fathoms hung in Length; and that the second Meshes of each Net or Sein shall not be less than three Inches, and not exceed thirty Fathoms hung in Length; and that the Meshes in the Arms of each Net or Sein shall not be less than three Inches and an half, and the Arms thereof not to exceed sixty Fathoms in Length; the whole Net or Sein, when hung, not to exceed one hundred and twenty Fathoms in Length, each Mesh to be measured from Knot to Knot when extended in a direct Line, under such Pains and Penalties as are in the said Act directed, as may by the said Act more fully and at large appear:

II. And whereas, since the passing the said Act, it has been found by Experience, that at least one Fourth-part of the Fish about this Island, though grown to their full Size, will escape through the Meshes prescribed by such Act; so that the Subsistence thereby intended to be provided for the Poor of this Island in particular, and the Inhabitants in general, by Supplies of fresh Fish, is in a great Measure defeated, and many Persons who have usually got a comfortable Livelihood by Fishing, have, by the Discouragements they have met with, been obliged to desist from carrying on the Fishery about this Island:

III. Therefore, to remedy the Inconveniencies arising from the Largeness of the said Meshes, we, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, it shall and may be lawful to

Act.

ISLAND OF ANTIGUA.

367

4th GEO. III.

No. 268.

A. D. 1764.

to fish with any Sein or Net, about this Island, of such Meshes and of such Length as is herein after-mentioned (that is to say) every Mesh in the Bunt of each Net or Sein not to be less than two Inches, and such Bunt not to exceed twelve Fathoms hung in Length; and that the second Meshes of each Sein or Net shall not be less than three Inches, and not exceed thirty Fathoms hung in Length; and that the Meshes in the Arms of each Sein or Net shall not be less than three Inches and an half, and the Arms thereof not to exceed sixty Fathoms hung in Length; the whole Net or Sein when hung not to exceed one hundred and two Fathoms in Length; each Mesh to be measured from Knot to Knot, when extended in a direct Line; any Thing in the said Act contained to the contrary thereof in any-wise notwithstanding: And in case any Person or Persons shall fish with any Net or Nets, except Hand-seins for Shrimps, contrary to the Directions of this Act, he, she, or they so offending shall be subject and liable to the same Penalties and Forfeitures as are imposed by Virtue of the said recited Act for fishing with Seins or Nets contrary to such Act: and such Penalties and Forfeitures shall be sued for and recovered in such Manner as is thereby directed.

Fishing-net described may be legally used.

Persons using different Net liable to Penalties as in No. 209, S. 2. 4. 6.

See Dimensions of Hand-seins for Shrimps in No. 209, S. 3.

Dated at *Saint John's* the eleventh Day of *May*, in the Year of our Lord one thousand seven hundred and sixty-four, and in the fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

NATHANIEL GILBERT, *Speaker.*

Passed the Assembly the
twelfth Day of *April*, one
thousand seven hundred
and sixty-four.

Passed the Council the
tenth Day of *May*, one
thousand seven hundred
and sixty-four.

By Command,

EDWARD GAMBLE,
Clerk to the Assembly.

WM. ATKINSON,
Deputy Secretary.

Passed by the Governor in Chief, the eleventh Day of *May*, one thousand seven hundred and sixty-four.

GEORGE (L.S.) THOMAS.

3 B 2

ANTIGUA.

ANTIGUA. Published this eighteenth Day of *May*, one thousand seven hundred and sixty-four.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

No. 269. *An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax.*
EXPIRED.

Dated 15th June, 1764.

No. 270. *An Act for the supplying the several Defects in the Laws of this Island concerning Conveyances and Assurances of Lands, Tenements, Slaves, and other Freeholds and Inheritances, lying and being in Antigua, and the Islands thereto adjacent and belonging; and for making the Probate of the Execution of Deeds, in Parts beyond Seas, relating to such Lands, Tenements, Slaves, and other Freeholds and Inheritances, effectual, without an Acknowledgment thereof before the Register of this Island, or his Deputy.*

PREAMBLE.

WHEREAS by the general Laws of the *Leeward Caribbee Islands* in *America*, or the particular Laws of *Antigua*, Provision is made only concerning Deeds, Conveyances, and Assurances executed upon the Island of *Antigua*, or in *England* or *Ireland*, for conveying Lands, Tenements, Slaves, and other Freeholds and Inheritances lying and being in *Antigua*, and the Islands thereto adjacent and belonging; and also Disputes have arisen concerning the acknowledging, proving, and authenticating Deeds executed beyond the Seas, for and touching Estates and Interests in Lands, Tenements, and Slaves in *Antigua*, and the Islands thereto adjacent and belonging: For Prevention therefore of Doubts and settling the Law in these Points in future, we, Your Majesty's most dutiful, loyal and obedient Subjects, the Governor

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No. 270.

A. D. 1764.

Governor of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Deeds, Conveyances, and Assurances, which shall be executed in any Parts beyond the Seas, of and concerning Lands, Tenements, Slaves, Rents, and other Freeholds and Inheritances lying and being in *Antigua*, or the Islands adjacent and thereto belonging, shall be good and effectual to pass Estates and Interests, Rights and Titles of and in such Lands, Tenements, Slaves, Rents, and other Freeholds and Inheritances in *Antigua*, or the Islands thereto adjacent and belonging, according to the Purport, Words, and lawful Intention of the same Deeds, without Livery of Seisin or Attornment; it being hereby declared, that Livery of Seisin or Attornment, were never required, in any such Deeds, by the constant Usage, Laws, and Practice of *Antigua*, and that all and every such Deeds, Conveyances, and Assurances, having sufficient Words to pass the Fee Simple of such Lands, Tenements, Slaves, Rents, and other Freeholds and Inheritances, and duly recorded as the Laws of *Antigua* direct and require, shall be, to all Intents and Purposes, as effectual to bar, discontinue, dock, extinguish, cut off, and destroy all Estates Tail, Rights to Estates Tail, Remainders vested and contingent, and all Reversions, Rights, Charges, Powers and Authorities, Dower and Thirds, Estates and Rights of Femmes Covert, of, in, touching and concerning, all and every such Lands, Tenements, Slaves, Rents and other Freeholds and Inheritances as a Fine with Proclamations, according to the Laws of that Part of *Great Britain* called *England*, duly levied in the Court of Common Pleas at *Westminster*, or a common Recovery suffered with due Execution returned and made in the same Court of Common Pleas at *Westminster*, or both such Fine and Recovery with Deeds properly executed to lead and declare the Uses of both or either such Fine or Recovery, are, or is by Law, in that Part of *Great Britain* called *England*, of, for, touching and concerning Lands, Tenements, Rents, and other Freeholds and Inheritances, lying and being in that Part of *Great Britain* called *England*, and all Rights, Charges, Powers, Authorities touching and concerning the same; so always that all Parties so granting, conveying or passing shall be of the full Age of one-and-twenty Years.

II. Provided always, That all Deeds, Conveyances and Assurances, Bargains, and Agreements, of and concerning Lands, Tenements, Slaves, Rents, and other Freeholds and Inheritances, lying and being

ACT.
Conveyances
of Estates in
Antigua, executed out of
Antigua, effective, without
Livery of Seisin;

Such Deeds, containing Words which pass the Fee Simple, recorded as the Laws of *Antigua* require to bar Intails, &c. as effectually as Fine and Recovery, if Party transmitting Right be of Age.

Such Deeds executed out of *Antigua*, to be inrolled in *Antigua* in two Years.

being in *Antigua*, or the Islands adjacent and thereto belonging, executed in any Part of His Majesty's Dominions in Europe or elsewhere (except *Antigua*) or any other Part of the World not belonging to or under the Crown of *Great Britain*, shall be inrolled, registered, and recorded in the Register's Office of *Antigua*, within two Years after the Execution thereof.

If such Deeds executed in *England* or *Ireland*, the Acknowledgment, Examination of married Women thereon, Certificate, and Registry to be conformable to an Act of the *Leeward* Islands, dated 21st June, 1705; (No. 32.)

When Deeds executed in *Antigua*, Acknowledgment, &c. as Nos. 5, 39, 106, 198, 275, require; executed in *Scotland*, Acknowledgment, &c. before Lord of Session or Sheriff; to be certified with Place and Date, under his Hand and Seal.

In any other Place belonging to *Great Britain*, Acknowledgment, &c. before Judge of Common

III. And provided also, That whenever any Estates Tail, Rights to Estates Tail, Remainders vested or contingent, Reversions, Rights, Charges, Powers and Authorities, Dowers and Thirds, Estates and Rights of Femmes Covert are to be barred, discontinued, docked, extinguished, cut off, or destroyed, that the Deed or Deeds so passing or conveying, if executed in that Part of *Great Britain* called *England*, or in *Ireland*, shall in all respects be executed and acknowledged by the Party and Parties granting and conveying, and married Women be thereon privately examined, and be certified, inrolled, and registered as directed and required in and by a certain General Act of the *Leeward Caribbee* Islands in *America*, made at *Nevis*, intituled, *An Act for supplying the Want of Fines and Recoveries in these Islands, and for making any Deed or Deeds duly executed and acknowledged before any of Her Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or any of these Islands, equivalent to a Fine and Recovery, or Fines and Recoveries duly and regularly levied and suffered in any of Her Majesty's Courts of Record at Westminster*, dated in *Nevis* the twenty-first Day of June, Anno Domini one thousand seven hundred and five, and in the fourth Year of Her late Majesty's Reign; and if executed in *Antigua*, to be also acknowledged by the Party and Parties granting and conveying, and married Women thereon privately examined, and be certified and registered as the particular Laws and Acts of *Antigua* do require; and if executed in that Part of *Great Britain* called *Scotland*, then to be acknowledged by such Parties granting and conveying, and married Women to be privately examined before one of the Lords of Sessions, or any Sheriff of any County or Stewarty; and such Acknowledgment and Examination, with the Name of the Place, and Day and Year of our Lord, or the King's Reign, shall be certified upon the same Deed and Deeds, under the Hand and Seal of such Lord of Sessions, or such Sheriff; and, if executed in *Barbadoes*, or in any of the *Leeward Caribbee* Islands in *America*, or in any other Colony, Territory, or Dominion in *Europe*, *Asia*, *Africa*, or *America*, belonging or to belong to the Crown of *Great Britain*, then to be acknowledged

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No. 270.

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known by such Parties, and married Women to be privately thereon examined before some Judge of His Majesty's Court of Common Pleas, or of some other Court of Record; or, where no such Court of Common Pleas or other such Court of Record is established, then before the Person who shall exercise and execute the Chief Command there; and such Acknowledgment and Examination with the Name of the Place, Day and Year of our Lord, or the King's Reign, shall be certified upon the same Deed and Deeds, under the Hand and Seal of such Judge or Commanding Officer: And if the same shall be executed in any foreign Kingdom, Territory, Colony or Place in the World, not belonging to, or under the Dominion of the Crown of *Great Britain*, then such Acknowledgment and Examination, if taken in *Europe*, shall be taken before the Chief Officer of, and shall be certified under the Public-seal of some City or Town corporate, or City or Town being in Nature of a Corporation, having a Public Chief Officer, and using a Public-seal, in any Part of *Europe*; and if such Acknowledgment and Examination shall be taken in any foreign Colony in *Asia*, *Africa* or *America*, the same shall be taken before the Person there in Chief Command, and be certified under his Hand and such Seal as such Person there in Chief Command shall use as his Public-seal.

Common Pleas or Court of Record; if no such Judge, before the Person in Chief Command; certified, respectively, under his Hand and Seal.

Acknowledgment in any Place in *Europe*, not belonging to *Great Britain*, to be before Chief Officer of a Corporation, certified under a Public-seal:

in any foreign Place in *Asia*, *Africa*, or *America*, before the Person in Chief Command; certified under his Hand and a Public-seal.

IV. And touching and concerning the Proof and further authenticating such Deeds and Conveyances, be it, and it is hereby enacted by the Authority aforesaid, That no such Deeds, Conveyances, or Assurances, executed any where beyond Sea out of *Antigua*, shall be pleadable in Law or Equity, or given or admitted to be proved or read in Evidence in Law or Equity, until the same, with the Acknowledgment, Examination, and Certificate thereon, shall be all recorded *at length* in the Register's Office by Law appointed, or to be appointed in *Antigua*, for registering Deeds relating to Lands in *Antigua*; and that where any such Deed shall be produced in any such Manner as aforesaid, acknowledged and certified, the same without any further Acknowledgment or Proof, shall be received and recorded in the said Register's Office of *Antigua*; and after being so recorded, shall need no further Proof, but be admitted as Evidence in Law and Equity; and Copies attested from the said Office of all such Deeds, shall be as good Evidence as allowed and practised, with Relation to Copies of Deeds there registered in other Cases, in Law and Equity in *Antigua*, and shall have Priority as in other Cases directed; and the very Day and Year of our Lord in Words at length, when such Deeds,

Such Deeds not Evidence till registered *at length* in *Antigua*.

Deeds so acknowledged and certified, to be received for Registry without further Proof; Originals recorded, and Copies attested by Register, Evidence.

Priority regulated as in other Cases.

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Register to in-
dorse, in
Words at
length, Date
of receiving
Deed, which is
to be deemed
Time of Re-
gistry.

Deeds, respectively, first shall be brought to the said Register's Office to be recorded, shall be truly and immediately indorsed on such Deeds, and attested under the Hand of the Register, or his Deputy executing the said Office, and shall be duly registered and entered in the said Office with the respective Deed; and such Time when such Deed shall be first brought to the Register's Office to be recorded, shall be deemed, esteemed and taken to be the Time of the Entry or Registry thereof.

Dated at *Saint John's*, the twenty-eighth Day of *July*, one thousand seven hundred and sixty-four, and in the fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

NATH. GILBERT, *Speaker*.

Passed the Assembly the twenty-sixth Day of *June*, one thousand seven hundred and sixty-four.

Passed the Council the twenty-sixth Day of *June*, one thousand seven hundred and sixty-four.

By Command,

EDWD. GAMBLE,
Clk. to Assembly.

WM. ATKINSON,
Dep. Secretary.

Passed by the Governor in Chief, the twenty-eighth Day of *July*, one thousand seven hundred and sixty-four.

GEO. (L.S.) THOMAS.

ANTIGUA. Published this eighth Day of *August*, one thousand seven hundred and sixty-four.

SAM. H. WARNER, *Dep. Pro. Marshal.*

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Nis. 271—275.

A. D. 1764.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's Sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

No. 271.

EXPIRED.

Dated 16th August, 1764.

An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail, and applying the same.

No. 272.

EXPIRED.

See Act of 6th
Sept. 1788,
(No. 456.)

Dated 13th November, 1764.

An Act for the rebuilding the Roof of the Parish Church of Saint John, in the Island of Antigua, and for repairing the same Church.

No. 273.

PRIVATE.

Dated 13th November, 1764.

An Act to regulate the Guage of Madeira Wine and Wines of the Growth of the Western Islands.

No. 274.

EXPIRED.

See Act of 8th
March, 1800,
(No. 542.)

An Act supplementary to an Act, intituled, An Act supplementary to an Act, intituled, an Act for the better Regulation and Settlement of the Register's Office of the Island of Antigua, dated the third Day of November, one thousand six hundred and eighty-nine; and for altering and amending the said Act; and also for the erecting and building a Public Register's Office.

No. 275.

See, with this,
Nos. 5, 106,
and 198, direct
Register Acts,
and Nos. 39,
270, and the
Act of the
LEEWARD
Islands, (No.
32,) which re-
late inciden-
tally to Regi-
stering.

WHEREAS the Docket of Fees established for the Register of this Island are so very inconsiderable, that the greatest Part of the

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No. 275.

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No. 198.

Act.

Docket of Fees
to be taken by
Register.

Profits arising from the said Office are paid to the Clerks employed in such Office; therefore, for the establishing a new Docket for the said Office, instead of the Fees now taken therein, by Virtue of the Act of this Island in such Case made and provided, dated the tenth Day of *April*, one thousand seven hundred and forty-six, and in the nineteenth Year of the Reign of our late Sovereign Lord King George the Second, we, Your Majesty's most loyal, dutiful, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, most humbly pray Your Most Excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained, That, from and after the Date of this Act, the Register of this Island, or his Deputy for the Time being, shall take and receive the following Fees, instead of those appointed to be taken by the said Act of the said tenth Day of *April*, one thousand seven hundred and forty-six, that is to say,

For every Deed or other Writing brought to the Register's Office to be recorded therein, the Sum of ten Pence, Gold and Silver, current Money of *Antigua*, for every ninety-six Words; and for the Acknowledgment of such Deed or Writing so brought to the said Office, the Sum of three Shillings, like Money, for the taking and attesting such Acknowledgment before him, or his Deputy; and if such Deed or Writing happen not to be executed upon this Island, and that there is no Necessity for the same to be acknowledged before the Register, or his Deputy, then instead of the Attestation-fee settled by this Act, the Register, or his Deputy may either take three Shillings, like Money as aforesaid, for the Probate thereof, or ten Pence for every ninety-six Words of such Probate, over and besides ten Pence for every ninety-six Words for recording such Deed: And if there be an Acknowledgment by Attorney, before the Register, or his Deputy, of such foreign Deed by Letter of Attorney, then the Register, or his Deputy, shall take only three Shillings, like Money, for the Acknowledgment; and the Letter of Attorney, if indorsed on the Deed, or contained in the Body of the Deed or Writing, shall be reckoned as Part of the said Deed or Writing; but if the Letter of Attorney be separately written, on another Paper or Parchment, reciting or referring to the Deed or Deeds, Writing or Writings, then the same to be paid for at the Rate of ten Pence for every ninety-six Words for recording the same. For the Copying any Record, that

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that shall be issued out of the said Office, ten Pence, like Money as aforesaid, for every ninety-six Words. For any Extract not containing above four hundred Words, three Shillings, like Money. For searching for any Record when any Person desires to have the Office searched, to be paid only for those Years the Person shall require to be searched; and the Person so requiring such Search to be made, to be obliged, first, to name the Years he shall require such Search to be made for; and such Person shall pay for the first Year's Search ten Pence, like Money aforesaid, and for every Year afterwards for which any Search shall be made five Pence, like Money; which Fees for Searching are only to be paid where the Copy or Copies of any Record so searched for are not copied for the Person searching for the same; but if the Copy or Copies of such Record or Records so searched for is or are made out for the Person searching for the same, Nothing shall be paid for such Search. For Attendance for taking the Acknowledgment of any Deed or Writing, if such Attendance is in the Town of *Saint John*, the Sum of twelve Shillings, like current Money; and if in any other Place out of the said Town of *Saint John*, and not at the Office, thirty Shillings like Money, and also the further Sum of two Shillings, like Money, for every reputed Mile to the Place of Attendance, and two Shillings, like Money, for every reputed Mile from the Place of Attendance. And for swearing the Securities to every Recognizance acknowledged before him, on a Sale of Lands or Tenements by the Provost Marshal, the Sum of twelve Shillings like Money.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Register, or his Deputy, to ask, demand, and receive all Fees whatever, due by Virtue of this Act, before he shall be obliged to receive any Deed, or any Writing whatever to be recorded, and before taking the Acknowledgment thereof; and if any Person, or Persons tendering any Deed or Writing to the Register or his Deputy for the Purposes last-mentioned, shall refuse to pay such Fees, it shall and may be lawful for the Register or his Deputy to refuse to receive such Deed or Writing till such Fees are paid.

Register may demand Fees on Tender of Deed, and may refuse to receive Deed until Fees paid.

III. And whereas there is no public Register's Office in this Island appointed for keeping the Records thereof, but every Register hath kept such Office in such Houses, and at such Place, as hath been suitable to his Convenience; and very often such Records have been kept in boarded Buildings, so that the Records are exposed to the

Committee
named to pur-
chase Land,
and build Re-
gister's Office.

Danger of Fire and Hurricane ; Be it therefore further enacted by the Authority aforesaid, that the Honourable *Arthur Freeman*, Esquire, one of the Members of His Majesty's Council, and in case of his Death or Absence such Member of His Majesty's Council as shall be appointed in his room by the said Council, and *John Halliday* and *William Livingston*, Esquires, two of the Members of the present Assembly, and, in case of their or either of their Deaths or Absence, such other Member or Members of the present, or any future Assembly, as shall be appointed in the room of him or them so dead or absent, shall be and are hereby appointed a Committee of the Council and Assembly, to provide and purchase a proper Spot of Land for erecting such Register's Office and to treat with proper Workmen ; and they are hereby empowered to provide and purchase a proper Spot of Land for erecting such Register's Office and to treat with proper Workmen for the erecting and building a proper Brick or Stone House for the keeping the public Records of the Register's Office, in such Place, and according to such Plan, as shall be approved of and agreed to by the Governor in Chief of the *Leeward Islands*, or the Person in Chief Command on this Island, and the Council and Assembly thereof.

When built,
to vest in the
King, for a
Register's
Office ;

Register to
keep his Re-
cords in it,
or forfeit his
Office.

Expense of
Purchase and
Building to be
paid by Trea-
surer.

Register to re-
pair and re-
place Doors,
Windows,
Glazing,

IV. And be it further enacted by the Authority aforesaid, That the Land, and the said House when built thereon, shall be, and are hereby declared to be vested and estated, and are hereby vested and estated in His Majesty, His Heirs, and Successors ; to be and continue for ever unalienable, and not grantable over for any other Use or Uses, Estates, Intents, and Purposes, than for a Register's Office ; and the Register for the Time being, and his Successors in the said Office, shall, and are hereby ordered and required to keep, all the public Records of the said Office, in the said Brick or Stone House so to be built, upon Pain of forfeiting his said Office, and being rendered incapable of ever again holding such Office.

V. And be it further enacted by the Authority aforesaid, That the Treasurer of this Island for the Time being, shall, and is hereby authorized and required to pay, out of the Public Treasury of this Island, the Expenses attending the purchasing Land, erecting and building such Brick or Stone House, and finding Materials for the same, upon the said Committee hereby appointed drawing a proper Order or Orders upon him for that Purpose.

VI. And be it, and it is hereby enacted by the Authority aforesaid, That the Doors, Windows, Window-shutters, and Floors of the said House, and the Glazing thereof, shall be kept constantly in

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in Repair by the now Register for so long Time as he shall hold and enjoy the Register's Office, and by the respective Successors in that Office for so long a Time as they shall respectively hold and enjoy the same; and the present Register and the respective Successors to the said Office of Register, when there shall be Occasion to find new Doors, Window-shutters, Locks, Hinges, Bolts, and Panes of Glass for the Windows of the said Office, shall find Doors, Window-shutters, Locks, Hinges, Bolts, and Panes of Glass for the Windows, of the same Size and Goodness as belonged to the said Office at the Time of his entering upon and taking Possession thereof; and in case the present Register or his Successors shall neglect or refuse, on Notice given by the Treasurer, to make such necessary Repairs as aforesaid, the Register so neglecting or refusing to make such Repairs in three Calendar Months after such Notice given, it shall and may be lawful to and for the Treasurer, and the Treasurer is hereby authorized and required to make the necessary Repairs, and to pay for the same out of the Public Treasury of this Island; and the Register so neglecting or refusing to make the necessary Repairs, shall forfeit and pay double the Costs of such Repairs for each Neglect or Refusal; which Forfeitures shall and may from time to time be recovered by Action of Debt against such Register, his Heirs, Executors, or Administrators, by the said Treasurer, in any Court of Record of the said Island of *Antigua*, in the Name of the Treasurer of *Antigua* for the Time being, or his lawful Deputy, to the Use of the Public of *Antigua*; with full Costs of Suit, in which no Essoign, Protection, or Wager of Law shall be allowed.

VII. And be it further enacted by the Authority aforesaid, That the present Register, and the respective Successors in that Office, shall pay yearly the Sum of forty Pounds Gold and Silver current Money of *Antigua*, in Gold or Silver Money, or by Discount with the Public, and so in Proportion for less than a Year; which Rent shall be paid, without any Demand being therefore necessary, into the Hands of the Treasurer of *Antigua*, or his lawful Deputy for the Time being, and on Default of Payment shall be recoverable by Action of Debt in any Court of Record in *Antigua*, in the Name of the Treasurer of *Antigua* for the Time being, or his lawful Deputy; to the Use of the Public of *Antigua*, with full Costs of Suit; in which no Essoign, Protection, or Wager of Law shall be allowed.

Glazing, Window-shutters, and Floors:

If Register neglect for three Calendar Months after Notice, Treasurer may make Repairs; and Register to forfeit double the Expense, and Costs of Suit.

Forfeiture to the Public.

Dilatory Plea disallowed.

Register to pay yearly Rent of 40%.

No Demand from Treasurer necessary.

On Default, recoverable by Action, &c.

Dated at *St. John's*, the eighth Day of *February*, one thousand seven hundred and sixty-five, and in the fifth Year of the Reign of
our

5th GEO. III.

Nis. 275, 276.

A. D. 1765.

our Sovereign Lord GEORGE the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth.

NATHANIEL GILBERT, *Speaker.*

Passed the Assembly the
seventh Day of *February*,
one thousand seven hun-
dred and sixty-five.

Passed by the Council the
seventh Day of *February*,
one thousand seven hun-
dred and sixty-five.

By Command,

EDWARD GAMBLE,
Clerk to the Assembly.

WILLIAM ATKINSON,
Deputy Secretary.

Passed by the Governor in Chief the eighth Day of *February*, one thousand seven hundred and sixty-five.

GEORGE (L. S.) THOMAS.

Published this twelfth Day of *February*, one thousand seven hundred and sixty-five.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

No. 276.
EXPIRED.

See Act of 21st
Jan. 1791,
(No. 475.)

An Act for the further Continuance of An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; and for compelling the specific Performance of Money Contracts, and equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

Dated 8th *February*, 1765.

An

5th GEO. III.

Nis. 277—281.

A. D. 1765.

An Act for the Ease and Relief of several Insolvent Debtors. No. 277.
OBSOLETE.

Dated 13th April, 1765.

An Act for appointing Henry Willmot, Esquire, Agent for this Island, and ascertaining a Salary for that Service. No. 278.
EXPIRED.

Dated 17th May, 1765.

An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax. No. 279.
EXPIRED.

Dated 17th May, 1765.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's Sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers. No. 280.
EXPIRED.

Dated 13th September, 1765.

An Act for the Continuance of an Act, intituled, An Act for ascertaining the Freight of Goods, Wares, and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported, from one Part of the said Island to another Part of the said Island, or to and from any of No. 281.
EXPIRED.
See Act of 21st
Feb. 1799,
(No. 532.)

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Nis. 281 — 285.

A. D. 1765.

of the Islands thereto adjacent and belonging, in any Sloops, Shallops, Boats, or Vessels commonly called Sugar Droughers.

Dated 26th September, 1765.

No. 282. *An Act for the further Continuance of an Act, intituled, An Act for the Assize of Bread.*

EXPIRED.

Dated 6th February, 1766.

No. 283. *An Act for the Continuance of an Act, intituled, An Act supplementary to an Act for regulating the Militia of this Island.*

EXPIRED.

See Act of 30th
March, 1793,
(No. 485.)

Dated 15th February, 1766.

No. 284. *An Act for the Ease and Relief of William Trant of the said Island, Merchant, and Robert Beaty of the same, Shopkeeper, and other Insolvent Debtors now in Gaol.*

OBSOLETE.

Dated 15th February, 1766.

No. 285. *An Act for regulating the Fees of sworn Pilots.*

EXPIRED.

Dated 17th May, 1766.

An

6th GEO. III.

Nis. 286—290.

A. D. 1766.

An Act for preventing Abuses in carrying on the Inland Trade of this Island, regulating the Hire and Manu-
mission of Slaves, and for advertising Runaways com-
mitted to Gaol. No. 286.
EXPIRED.

Dated 23d May, 1766.

An Act to amend an Act, intituled, An Act to regulate the Guage of Madeira Wine and Wines of the Growth of the Western Islands. No. 287.
EXPIRED.
See Act of 8th
Mar. 1800,
(No. 542.)

Dated 23d May, 1766.

An Act for further Prevention of Damages to the Har- bours, and for appointing Harbour Masters. No. 288.
EXPIRED.

Dated 23d May, 1766.

An Act supplementary to An Act for regulating the Towns and Harbours, settling Markets, and en-
couraging Wharfs in this Island, and to prevent
Abuses in the Fishery about the same. No. 289.
EXPIRED.

Dated 24th May, 1766.

An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax. No. 290.
EXPIRED.

Dated 24th May, 1766.

6th GEO. III.

Nis. 291 — 293.

A. D. 1766.

No. 291. *An Act to prevent Frauds and Abuses, in exacting Sums of Money for changing Gold Coin into Silver Coin.*
EXPIRED.

Dated 24th May, 1766.

No. 292. *An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.*

Dated 8th September, 1766.

No. 293. *An Act for altering an Act, intituled, An Act for raising an Impost on all Liquors imported into this Island; and also, another Act, intituled, An Act for laying an additional Duty upon all Madeira Wines imported into this Island.*

PREAMBLE.
 No. 102.

No. 185.

4 Geo. 3. C.
 15. S. 1.

WHEREAS by an Act heretofore made in this Island, dated the seventeenth Day of *December*, one thousand six hundred and ninety-seven, an Impost of forty Shillings per Pipe was laid on all *Madeira Wines*; and an Impost of four Pounds, current Money, on all Wines of the Growth of the *Western Islands*, and *Madeira Wines* mixed with any of the Wines of the *Western Islands*, imported into this Island: And whereas by another Act of this Island, dated the tenth Day of *March*, one thousand seven hundred and twenty-six, an additional Duty of twenty Shillings per Pipe was thereby laid and imposed on all *Madeira Wines*, over and above the Duty of forty Shillings before laid by the said herein before recited Act: And whereas by an Act passed in *Great Britain*, in the fourth Year of the Reign of His present Majesty, intituled, *An Act for granting certain Duties in the British Colonies and Plantations in America*; for continuing, amending, and making perpetual an Act passed in the sixth Year of the Reign of His late Majesty King George the Second, intituled, *An Act*

7th GEO. III.

No. 293.

A. D. 1767.

Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America; for applying the Produce of such Duties, and of the Duties to arise by Virtue of the said Act, towards defraying the Expences of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act, made in the twenty-fifth Year of the Reign of King Charles the Second, intituled, An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade; and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain; a Duty of seven Pounds per Ton was granted to His Majesty, His Heirs, and Successors, on all Wines of the Growth of the Madeiras, which should after the twenty-fifth Day of September, one thousand seven hundred and sixty-four, be imported or brought into any Colony or Plantation in America, which then was, or afterwards might be under the Dominion of His Majesty, His Heirs, and Successors: And whereas the Duties imposed upon the said Wines are so great, that they almost amount to a Prohibition against the Importation thereof: And whereas Experience hath shewn, that the said Wines are the most wholesome, and best adapted to this Climate, and that the Use of them hath been of the greatest Service to Families, Servants, and Slaves, in Times of Sickness; by Reason whereof great Quantities of them are required in this Island; and as the said Duties are greatly burthensome to poor Planters who cannot afford to purchase such Wines to distribute to their Families, Servants, and Slaves, at such Seasons of Affliction, whereby many valuable Slaves perish, to the great Loss of such Planters; We, therefore, Your Majesty's most loyal, dutiful, and obedient Subjects, the Commander in Chief in and over all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the first Day of June now next ensuing, so much of the said first above recited Act as lays a Duty of forty Shillings per Pipe on all Madeira Wines, and a Duty of four Pounds, current Money, on all Wines of the Growth of the Western Islands, and Madeira Wines mixed with any of the Wines of the Western Islands, imported into this Island; and so much of the second above recited Act which lays an additional Duty of twenty Shillings per

3 D 2

Pipe,

ACT.
So much of
No. 102 as lays
a Duty of 40s.
per Pipe on
Madeira, and
4l. on Western
Island Wines;
and of No.
185, as lays
additional
Duty

7th GEO. III.

Nis. 293, 294.

A. D. 1767.

Duty of 20s.
on *Madeira*;
repealed.

N. B. No. 185
relates only to
the additional
Duty.

Pipe, over and above the said Duty of forty Shillings, upon *Madeira* Wine; shall cease and be void.

Dated at *St. Christopher's*, the twenty-first Day of *March*, in the Year of our Lord one thousand seven hundred and sixty-seven, and in the seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

NATHANIEL GILBERT, *Speaker*.

Passed the Assembly the twenty-sixth Day of *February*, one thousand seven hundred and sixty-seven.

Passed the Council the twenty-sixth Day of *February*, one thousand seven hundred and sixty-seven.

By Command,

EDWARD GAMBLE,
Clerk to the Assembly.

WILLIAM ATKINSON,
Deputy Secretary.

Passed by the Commander in Chief the twenty-first Day of *March*, one thousand seven hundred and sixty-seven.

JAMES (L. S.) VERCHILD.

Published the fourteenth Day of *April*, one thousand seven hundred and sixty-seven.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

No. 294.
EXPIRED.

An Act to amend an Act, intituled, An Act for the further Prevention of Damages to the Harbours, and for the appointing Harbour Masters.

Dated 14th *May*, 1767.

An

7th GEO. III.

No. 295.

A. D. 1767.

An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen; also to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also to An Act supplementary to the foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants, and preserving, and increasing the Number of White Inhabitants in this Island.

No. 295.
REVIVED, in
the last In-
stance, by Act
of 24th Jan.
1803, (No.
569.)

WHEREAS notwithstanding several Laws have been heretofore made for increasing the Number of White Inhabitants in this Island, yet the good Effects hoped for from thence have never been fully produced, our Numbers of White People having rather decreased than otherwise, which has been chiefly occasioned by Women not being allowed to pass and reckon as Servants, in the Public Accounts for the Tax on Slaves: And whereas His Majesty has been graciously pleased, by His Royal Proclamation, to allow to all Settlers in the ceded Islands in the Terms of the Cultivation of their Lands, that every White Woman who should be kept or maintained in either of the said Islands, by any Settler of Lands therein, should pass and be taken as and for one Moiety of the Tax imposed by His Majesty, for the Deficiency of a White Man Servant for every one hundred Acres of cleared Land; the said Tax being twenty Pounds, sterling, for every White Woman, and forty Pounds, sterling, for every White Man so deficient; two White Women to be taken in lieu of one White Man Servant: And whereas it has been, hitherto, chiefly, the Practice of the Planters of this Island to decline, and be averse to the employing on their Plantations, Overseers and other Servants who are married, their Wives being deemed as Burthens upon such Plantations, no Consideration having been allowed or provided, in any Law heretofore made, for such White Women; whereby

PREAMBLE.
Adverting to
No. 153, 194,
206, &c.

7th GEO. III.

No. 295.

A. D. 1767.

ACT.
Owners of
Slaves to be
allowed 20%.
in Deduction
from Taxation
on Deficiency
of White Ser-
vants; for
every White
Woman aged
14 min. of
whatever De-
gree, resident
in their
House, or on
Plantation:

Provided such
White Wo-
man is not
reckoned in
lieu of a White
Servant, on
Account of
Slaves of her
own.

whereby many of those useful Men continue in a State of Celibacy, to the great Prejudice of this Island: And whereas His Majesty's said Royal Proclamation will not only, in all Probability, prevent any White Women from being imported into this Island as Servants; but must also encourage, and draw off from this Island, many Persons of moderate Fortunes, and others, who have Wives or Daughters; who will become Settlers in the new ceded Islands with their Families, where such Families will be a Support, and not a Burthen to them; to the great Decay of the Trade of this Country, by the further Decrease of the Inhabitants thereof: For the Prevention therefore of the Causes for such Emigration of any of the Inhabitants of this Island, we, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty that it may be enacted and ordained; and be it and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the twenty-fifth Day of *May* in the present Year, every Owner, Renter, or Possessor of Slaves within this Island, or the Islands adjacent and thereunto belonging, be allowed in the Public Accounts, in the Taxation on the Deficiency of White Servants, over and above what is provided for by the three foregoing mentioned Acts, at and after the Rate of twenty Pounds, current Money of this Island, for each and every White Woman from the Age of fourteen Years and upwards, of whatsoever Rank or Degree, who shall actually reside in or upon any of his, her, or their Houses or Plantations, and shall also count and reckon, in the same Proportion, for any Number of Slaves less than thirty, or broken Numbers above thirty, or above such other equal Numbers as will make such Owner or Owners, Renter or Renters, Possessor or Possessors of any Slaves within this Island or the Islands thereto adjacent and belonging, liable to keep two, three, or more White Servants; such Allowance to be in Proportion only to the Time of such actual Residence; any Thing hereinbefore contained to the contrary notwithstanding: Provided always, that such White Woman or Women is or are not any way deemed, allowed, and taken in lieu of a White Servant, within the Meaning of this Act, for or upon Account of any Number of Slaves which such White Woman or Women is or are Owner or Owners, Renter or Renters, Possessor or Possessors of, less than the Number of thirty, or of any other Numbers which will make such Person or Persons liable to keep two or more White Servants.

7th GEO. III.

No. 295.

A. D. 1767.

II. And be it also enacted and ordained by the Authority aforesaid, That, from and after the *twenty-fifth Day of May* in the present Year, all the Inhabitants of this Island shall give an Account of such White Women, as shall be in their Service and Employ, or dwelling and being in their House, or upon their Land, Rent-free, in the same Manner as they are obliged to give an Account of their White Men Servants by the said recited Act, dated the eleventh Day of *February*, one thousand seven hundred and forty; and that, instead of the Oath first mentioned in the said Act, the following Oath shall be taken, *videlicet*,

By Act of 15th
Dec. 1801,
(No. 558,)
S. 1. Time of
Accounting
every 25th
January.
Account to
comprise
White Wo-
men, Inmates,
and Servants.
Instead of first
Oath in No.
194, S. 5.

YOU A. B. do swear, that you will give a just and true Account, according to the best of your Knowledge, of the Number of Slaves whereof you are possessed in this Island, or in the Islands adjacent and thereunto belonging, in your own Right, or in the Right of any Person or Persons whatsoever; and also the Number of White Men Servants, and White Women, at this Time in your Service and Employ, and for how long Time past such White Men and Women Servants have been in your Service and Employ; and of what other White Men and Women, who are now Inhabitants, and living on any and what Quantity of your Land, and for how long Time past, freed and discharged of and from all Rent, or any Recompence or Consideration whatsoever for such Lands; with the Christian and Surnames of all such White Men and Women, without Equivocation, Deceit, or Fraud; and shall truly answer all such other Questions, as by me shall be asked of you, concerning the Qualifications of such White Men or Women, or free Tenants, and the Manner and Terms of employing such White Men or Women, or free Tenants, by you.

Oath.

SO HELP YOU GOD.

And also, that in case of a Tax Act being passed, instead of the second Oath mentioned in the said Act, the following Oath shall be taken, *videlicet*,

Instead of second Oath in
No. 194, S. 5.

AND also of the Number of White Men and Women at this Time in your Service and Employ, and for how long Time past they have been so; also of what other White Men and Women, who are now inhabiting or living, on any, and what Quantity of your Land, and for how long Time past, freed and discharged of and from all Rent, or any Recompence or Consideration whatsoever for such Lands; with the Christian and Surnames of all such White Men and Women, and Freemen-tenants, without Equivocation, Deceit, or Fraud; and shall truly answer all such other

Oath.

7th GEO. III.

No. 295.

A. D. 1767.

other Questions, as by me shall be asked of you, concerning the Qualifications of such White Men and Women, and the Manner and Terms of employing and keeping such White Men and Women by you.

SO HELP YOU GOD.

Masters, &c. to allow White Woman Indented Servant suitable Clothing to cost at least 20 $\frac{1}{2}$. annually;

and such Maintenance, &c. as is provided for White Men Servants by No. 206, S. 3. 4. 5. 6:

Under Penalty [S. 8. same Act] not exceeding 10 $\frac{1}{2}$. recovered according to No. 153, S. 20.

White Women Indented Servants liable to Punishment under No. 153, S. 15. 17.

Complaints and Disputes between Masters, &c. and such Women Servants to be determined according to No. 153, S. 12. 14. 19; No. 206, S. 9.

Female Owner to be accounted in lieu of White Servant, to the Extent of fifteen Slaves;

III. And be it, and it is hereby further enacted by the Authority aforesaid, That every Master or Mistress of any indented White Woman Servant or Servants, shall allow to each of his or her White Women Indented Servants, sufficient and proper Clothing, suitable to their Station, during the Time of their Servitude, amounting to not less than twenty Pounds *per Annum*, and so in Proportion for less than a Year; and shall allow to each of such Servants such Maintenance, and shall take care of such Servants as is directed by the said Act, dated the *twenty-fifth Day of April*, one thousand seven hundred and fifty-five, in the Case of Men Servants, under such Penalties as by the said Act is imposed, to be levied, applied, and disposed of, in like Manner as any Fine exceeding six Pounds is, by the said Act, dated the *eleventh Day of July*, one thousand seven hundred and sixteen, directed to be levied, applied, and disposed of.

IV. And be it enacted by the Authority aforesaid, That all such White Women Indented Servants, shall be liable to such Punishments as White Men Servants are subject and liable to, by Virtue of any of the said herein before recited Acts; and that all Complaints, and Matters in Dispute, between any Master or Mistress and such indented Servant and Servants, shall be heard and determined, and such Order or Orders made concerning the same, subject to such Proviso for an Appeal, as, by the said recited Acts, or any of them, is directed, in case of Complaints or Matters in Dispute between any Master or Mistress and any White Man Servant.

V. And be it enacted by the Authority aforesaid, That every Mistress, Female Owner, Renter, or Possessor of any Slave or Slaves in this Island, or the Islands thereto adjacent and belonging, shall be deemed, allowed, and taken in lieu of a White Servant, for fifteen of such Slaves, or any less Number of such Slaves, within the Meaning and Intention of this Act, for so long a Time in every Year as she

7th GEO. III.

Nis. 295, 296.

A. D. 1767.

she shall be resident thereon: Provided such Mistress, Female Owner, or Possessor, be not allowed and taken, in lieu of a White Woman Servant, to any other Person or Persons.

while resi-
dent, and not
reckoned as a
Servant to any
other Person.

VI. And be it, and it is hereby further enacted by the Authority aforesaid, That this Act shall continue and be in Force, *from the twenty-fifth Day of May, one thousand seven hundred and sixty-seven, for the Term of seven Years*, and from thence to the next Meeting of the Council and Assembly of this Island, and no longer.

In Force by
Act of 24th
Jan. 1803,
(No. 569) for
one Year
therefrom and
till the Houses
meet.

Dated at *Saint Christopher's*, the first Day of *June*, one thousand seven hundred and sixty-seven, and in the seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

NATHANIEL GILBERT, *Speaker*.

Passed the Assembly the seventh
Day of *May*, one thousand
seven hundred and sixty-
seven.

Passed the Council the four-
teenth Day of *May*, one
thousand seven hundred
and sixty-seven.

EDWARD GAMBLE,
Clerk to the Assembly.

By Command,
WILLIAM ATKINSON.
Deputy Secretary.

Passed by the Commander in Chief, the first Day of *June*, one thousand seven hundred and sixty-seven.

JAMES L. S. VERCHILD.

Published the fifth Day of *June*, one thousand seven hundred and sixty-seven.

SAMUEL H. WARNER, *Dep. Pro. Marshal*.

An Act for raising a Tax for paying Public Debts and No. 296.
Charges, and particularly applying the said Tax. EXPIRED.

Dated 10th *June*, 1767.

7th GEO. III.

Nis. 297—301.

A. D. 1767.

- No. 297. *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.*

EXPIRED.
See Act of
20th July,
1773, (No.
348.)

Dated 23d July, 1767.

- No. 298. *An Act for the Ease and Relief of several insolvent Debtors, confined in the Common Gaol, the twenty-third Day of April, in the present Year of our Lord one thousand seven hundred and sixty-seven.*

OBsolete.

Dated 23d July, 1767.

- No. 299. *An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail, and applying the same.*

EXPIRED.
See Act of 6th
Sept. 1788,
(No. 456.)

Dated 21st September, 1767.

- No. 300. *An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.*

EXPIRED.

Dated 21st September, 1767.

- No. 301. *An Act for the Ease and Relief of fugitive Debtors, and for the better Encouragement of such Fugitives to return to this Island.*

EXPIRED.

Dated 18th March, 1768.

8th GEO. III.

Nis. 302 — 305.

A. D. 1768.

An Act for providing an additional Support for his Excellency, William Woodley, Esquire, during his Government; and appointing particular Funds for the Payment thereof. No. 302.
OBSOLETE.

Dated 20th April, 1768.

An Act raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax. No. 303.
EXPIRED.

Dated 9th June, 1768.

An Act for the further continuance of an Act, intituled, An Act for ascertaining the Freight of Goods, Wares, and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported from one Part of the said Island to another Part of the said Island, or to and from any of the Islands thereto adjacent and belonging, in any Sloops, Shallops, Boats, or Vessels, commonly called Sugar Droughers. No. 304.
EXPIRED.
See Act of 21st Feb. 1799, (No. 582.)

Dated 24th October, 1768.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixteenth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers. No. 305.
EXPIRED.

Dated 1st November, 1768.

9th GEO. III.

Nis. 306—309.

A. D. 1768.

No. 306. *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.*

EXPIRED.
See Act of
20th July,
1773, (No.
348.)

Dated 6th December, 1768.

No. 307. *An Act to continue An Act establishing Courts of Common Pleas, Error, King's Bench and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts of this Island; and more effectual Support of Credit.*

EXPIRED.
See Act of 21st
Jan. 1791,
(No. 475.)

Dated 14th February, 1769.

No. 308. *An Act for the further continuance of an Act for the Assize of Bread.*

EXPIRED.
See Act of
19th Dec.
1799, (No.
538.)

Dated 14th February, 1769.

No. 309. *An Act to regulate the Guage of Madeira Wine and Wines of the Growth of the Western Islands.*

EXPIRED.
See Act of 8th
March, 1800,
(No. 542.)

Dated 4th March, 1769.

9th GEO. III.

Nis. 310—313.

A. D. 1769.

An Act to continue An Act for the further Prevention of Damage to the Harbours, and for appointing Harbour-masters, *and also one other Act to amend an Act, intituled, An Act for the further Prevention of Damages to the Harbours, and appointing Harbour-masters.*

NO. 310.
EXPIRED.
See Act of
18th Oct.
1784, (No.
428.)

Dated 24th April, 1769.

An Act to continue An Act for preventing Abuses in carrying on the inland Trade of this Island, regulating the Hire and Manumission of Slaves, and for advertising Runaways committed to Gaol.

NO. 311.
EXPIRED.

Dated 24th April, 1769.

An Act to continue An Act for regulating the Fees of sworn Pilots.

NO. 312.
EXPIRED.
See Act of
28th Dec.
1797, (No.
521.)

Dated 24th April, 1769.

An Act to continue An Act supplementary to an Act for regulating the Towns and Harbours, settling Markets, and encouraging Wharfs in this Island; and to prevent Abuses in the Fishery about the same.

NO. 313.
EXPIRED.

Dated 24th April, 1769.

An

No. 314.

REVIVED, in
the last In-
stance, by Act
of 14th March,
1787, (No.
445.)

For former
Regulations
to prevent
Desertion
from Ships,
see No. 137.

PREAMBLE.

ACT.
Contracts by
Masters to pay
Sailors Sum
certain, or in
the Lump, for
a Voyage, pro-
hibited.

Securities and
Promises so to
pay them,
void.

Paying Sailors
before-hand
in the Lump
for

An Act to prevent Sailors deserting their Ships, and making extravagant Demands for the Voyage, or Run as it is commonly called; and for the better Government of Sailors on Shore, and to oblige the Commanders of Merchant Vessels to provide for such Sailors.

WHEREAS the Trade and Navigation of *Great Britain*, and other His Majesty's Dominions, to and from this Island, hath of late very much suffered, by common Sailors deserting their Ships, demanding and receiving Sums certain and by the Lump or Great, for a Voyage to be performed from this Island to some other of the Dominions of the Crown of *Great Britain*, particularly for Voyages to *Great Britain*, and those Sums so large and extravagant as to exceed, in Proportion to the Time, the Master's Wages, which is unreasonable; which Practice daily increases upon us, and is of great Prejudice to the Trade of this Island, and may affect the Trade of *Great Britain*, and other His Majesty's Dominions and Colonies: To put a Stop therefore to so growing an Evil, we, the Governor of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, That if any Owner, Commander, or Person, having Charge of any Ship or Vessel, now lying within any Harbour, Port, Creek, or Landing-place of this Island, or which hereafter shall come hither upon account of Trade, shall, after coming hither, during the stay of such Ship or Vessel at any Port, Creek, or Landing-place within this Island, contract, promise, or agree with or for the Benefit, or to the Use of any common Sailor, not being of the Degree of Master, Mate or some Officer capable of taking Charge of such Ship or Vessel, either directly or indirectly by himself or any other, for any Sum of Money, Reward, or Gratuity certain, or by the Lump, or in the Great, for any Voyage or Run, to be performed from this Island to *Great Britain*, *Ireland*, or any of the Dominions now belonging or hereafter to belong to the Crown of *Great Britain* in *North America*, or upon the Main-land of *America*, or in *Africa*; that all and every such Contracts shall be void, and all Securities, by Writing or otherwise, and all Promises for paying or performing thereof shall be void.

II. And be it also further enacted by the Authority aforesaid, that it shall be, and it is hereby declared, from hence forward, to be unlawful,

9th GEO. III.

No. 314.

A. D. 1769.

unlawful, for any such Owner, Master, or Commander, or Person having any such Ship or Vessel, during the Being of such Ship or Vessel within any Harbour, Port, Creek, or Anchoring-place within this Island, by himself or any other directly or indirectly, to give or pay beforehand any Sum of Money, Gratuity, or Reward, to or for the Use of any such common Sailor or Mariner, by the Great or Lump, for the undertaking or agreeing, by such common Sailor or Mariner, to perform any such Voyage or Run, from this Island, to any of the Places before mentioned.

for Voyage,
prohibited.

III. And be it also enacted by the Authority aforesaid, That if any such Owner, Master, or Commander, or Person so having Charge of any such Ship or Vessel, shall, in any wise, act contrary to this Act, he shall forfeit the Sum of thirty Pounds, current Money of *Antigua*, to be recovered before any two Justices of the Peace in this Island, in a summary Way, to be levied, either by Distress and Sale of the Offender's Goods immediately by Out-cry, with the further Sum of eight Pounds *per Centum*, current Money of *Antigua*, for Constable's Fees, by the Warrant of any two Justices of the Peace of this Island to any Constable; or the Offender, after Conviction, may be committed by such Warrant to the Common Gaol of this Island, until he shall pay the said Forfeiture, and the same Constable's Fees as if levied by Distress; or the same Forfeiture shall and may be recovered by Action of Debt or Case, in any Court of Record of this Island, and therein the Prosecutor or Informer shall also recover full Costs of Suit, and no Essoign, Protection, or Wager of Law shall be therein allowed.

Master acting
contrary to
S. 1. and 2, to
forfeit 30*l.* to
be recovered
in a summary
Way before
two Justices.

Fine, with
eight *per Cent.*
for Constable's
Fees, may be
raised by sell-
ing Offender's
Goods by Out-
cry; or Offen-
der may be
committed till
Fine and such
Fees paid; or
Action may be
brought.

IV. And be it, and it is hereby enacted by the Authority aforesaid, That, upon Complaint of any such Master, Commander, or Person having Charge of a Ship or Vessel as aforesaid, to any Justice of the Peace of this Island, of a Want of Sailors sufficient to perform his Voyage, to any of the Places aforesaid, such Justice of the Peace is hereby impowered and required, upon Request of such Master, Commander, or Person having Charge of such Ship or Vessel, bound to any the Places aforesaid from this Island, to issue his Warrant to any Constable or Constables of this Island, commanding him or them to search all Punch-houses, Tipling-houses, and other Public Houses, and also any other Places, after Proof, made upon Oath, that Sailors are harboured in such Places; and to take up any wandering Person or Persons, being or appearing to be Mariners, Sailors, and notorious Vagrants or Vagabonds, and to bring them before him or some other Justice of the Peace for *Antigua*: and if it shall appear that

Justice, on
Complaint by
Master of De-
ficiency of
Sailors for
Voyage, to
issue Warrant
to Constable
to search Pub-
lic Houses,
&c. (Oath
being made
that Mariners
are there har-
boured;) and
apprehend
Sailors noto-
riously va-
grant for Ex-
amination.

If such Sailors prove unemployed, Justice either alone, or with an associated Justice, to order such Sailors to go one Voyage to any of the Places named in S. 1; settling them monthly Wages according to the prevailing Rate.

Certificate to Master.

Fee to Constable.

Sailor refusing or deserting Service, to be committed for twenty Days, unless sooner compliant.

Persons harbouring Sailors after eight at Night, without Permission of Master or Mate; or concealing Sailor from Messenger belonging to his Vessel; or permitting Sailor to remain one Hour in House or Yard, after Warning not to do so; on Conviction before two Justices,

that such Person or Persons is or are Sailor or Sailors, and then not in actual Employment, but are Vagrants or Vagabonds, any Justice of the Peace of this Island, either alone, or together with any other Justice of the Peace whom he shall call to his Assistance, (as he may, and is hereby empowered to do, if he pleases,) shall, and is hereby empowered and required, to order such Sailor or Sailors, being Vagrants or Vagabonds, to go and serve on board any such Ship or Vessel, for the next Voyage only, from this Island, to any the Place or Places aforesaid; and, shall and may settle the Wages of such Sailor or Sailors, for and at the Rate of so much the Month, at such Rate or Rates as shall most generally then govern, and shall give a Certificate to such Master thereof in Writing, under the Hand or Hands of such Justice or Justices; and the Justice or Justices who shall give such Certificate, is and are hereby empowered to settle the Fee to be paid, to the Constable, who shall take up such Sailors, Vagrants or Vagabonds, by the Captain or Master of such Ship or Vessel who shall apply for them, and compel the Payment of such Fee, by Warrant under his or their Hands and Seals, against the Body or Goods; which shall be a sufficient Warrant and Indemnity for such Master, Commander, or Person having Charge of such Ship or Vessel, for compelling such Sailor or Sailors to perform his or their Duty on board, for one Voyage only. And if any Sailor or Sailors so ordered to serve, shall refuse, neglect, or desert such Service, he and they shall and may be committed to the Common Gaol of this Island, there to remain for the Space of twenty Days, without Bail or Mainprize, unless he shall conform sooner to the said Service; such Commitment to be by any one or more Justice or Justices of the Peace for this Island.

V. And be it and it is hereby also enacted, That if any Person or Persons shall harbour or receive, any Sailor or Seaman, belonging to any Ship or Vessel, lying at Anchor in any of the Harbours of the said Island, without a Ticket from his respective Master or Mate, after the Hour of eight of the Clock at Night, without the Permission of the Master or Mate of the Ship or Vessel to which he belongs; or shall, at any Time of the Day or Night, conceal any Sailor from any Person belonging to the same Vessel, who shall enquire for him; or who shall permit any Sailor to remain in any House or Yard belonging to him, for the Space of one Hour, after he shall be forewarned or forbid so to do by the Master, or any Mate of the Ship or Vessel to which he shall belong; such Person or Persons, in any or either of the said Cases, being thereof convicted before

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No. 314.

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before two Justices of the Peace, by the Oath of the Master or Mate of the Ship or Vessel, so forewarning or forbidding, shall forfeit and pay the Sum of five Pounds, Gold and Silver current Money, to be levied as herein before directed in the Case of any Owner, Master, Commander, or Person having Charge of any Ship or Vessel, and acting contrary to this Act.

tices, to forfeit
5*l.* recovered
as the Fine in
S. 3.

VI. And be it, and it is hereby further enacted by the Authority aforesaid, That all Masters of Ships and other Vessels, who shall at any Time hereafter ship or receive on board any Seaman or Sailor, without having a Certificate of his Discharge, under the Hand of the Master of the Ship or Vessel he last served in, or otherwise in case such Sailor hath no such Certificate, before he hath made Oath before one of His Majesty's Justices of the Peace, for the said Island, that he doth not belong to any Ship or Vessel whatsoever, and was legally discharged from the Ship or Vessel he last served on board, shall forfeit and pay the Sum of twenty Pounds, current Money of the said Island, for every such Offence; one Half to be paid to the Master of the Ship or Vessel, which the Sailor or Seaman shall leave and desert without being duly discharged, and the other Part thereof to the Churchwardens of the Parish, next adjacent to the Harbour, where the Ship or Vessel, from which such Sailor deserted, was at Anchor, at the Time of his Desertion, for the Use of the Poor of the same Parish; and to be recovered in any of His Majesty's Courts of Record in the said Island by Bill, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Masters ship-
ping Sailor
without Cer-
tificate, or
Oath before
Justice of le-
gal Discharge
from last Ves-
sel, to forfeit
20*l.*;

Half to Master
from whom
Sailor desert-
ed; Half to
Churchwar-
dens of nearest
Parish;

recoverable by
Action.

No dilatory
Plea.

VII. And whereas sick and disabled Sailors have been frequently left upon this Island, by their respective Captains; whereby great Expences have accrued to the several Parishes, particularly to that of *Saint John*, amounting annually to very considerable Sums, for their Maintenance and Burial; for Prevention thereof, and for obliging all Masters of Vessels to take proper Care of their Seamen, and to provide for such of them as are sick, be it, and it is hereby enacted by the Authority aforesaid, That from and after the Publication of this Act, it shall be inserted in, and made Part of the Condition of the Bonds, entered into at the Secretary's Office of this Island, upon the Arrival of any Ship or Vessel, by the Masters or Commanders of the same, that the Master or Commander or his Security, shall provide and take Care of the Sailors or Mariners belonging to his Vessel, so that they, or any of them, shall not become chargeable to any Parish of this Island, within the Space of six Calendar Months,

Part of Con-
dition of Mas-
ters' Bonds to
be, that they
shall provide
for their Sai-
lors, so as to
prevent them
from being
chargeable to
any Parish in
Antigua,

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*Antigua, with-
in six Months
after Depar-
ture of Vessel.*

*In force by
Act of 14th
March, 1787,
(No. 445,) S.
1. for three
Years, and till
the Meeting of
the Houses.*

after the Departure from this Island of the Ship or Vessel, to which he or they shall belong, except such Sailors as belong to or have gained a legal Settlement in some Parish of this Island.

VIII. And be it further enacted by the Authority aforesaid, That this Act shall continue in force, for *three Years from the Date thereof*, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the fifteenth Day of *May*, one thousand seven hundred and sixty-nine, and in the ninth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

NATHANIEL GILBERT, *Speaker*.

Passed the Assembly the eigh-
teenth Day of *April*, one thou-
sand seven hundred and sixty-
nine.

{ Passed the Council the eigh-
teenth Day of *May*, one
thousand seven hundred
and sixty-nine.

By Command,

EDWARD GAMBLE,
Clerk to the Assembly,

WILLIAM ATKINSON,
Deputy Secretary.

Passed the Governor in Chief the twelfth Day of *May*, one thou-
sand seven hundred and sixty-nine.

Published the third Day of *July*, one thousand seven hundred and
sixty-nine.

SAMUEL H. WARNER, *Deputy Provost Marshal*.

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Nis. 315—318.

A. D. 1769.

An Act for the Ease and Relief of several Insolvent Debtors. No. 315.
OBSOLETE.

Dated 30th May, 1769.

An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax. No. 316.
EXPIRED.

Dated 12th August, 1769.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers. No. 317.
EXPIRED.

Dated 2d September, 1769.

An Act for vesting the Plantation or Estate, late of Samuel Byam, Esquire, deceased, situate in the Parish of St. George, in the Island of Antigua, with the live and dead Stock thereunto belonging, in Trustees, to be sold for the Payment of his Debts; and for laying out the Residue of the Money, arising by such Sale, in the Purchase of Land and Hereditaments, in that Part of Great Britain called England, to be settled to the Uses of the Will of the said Samuel Byam. No. 318.
PRIVATE.

Dated 23d October, 1769.

No. 319. *An Act for the Relief of the most distressed Sufferers, by the late Fire, in the Town of Saint John.*
OBSOLETE.

Dated 19th January, 1770.

No. 320. *An Act for the Ease and Relief of several insolvent Debtors, confined in the Common Jail the fifteenth Day of March, in the present Year of our Lord, one thousand seven hundred and seventy.*
OBSOLETE.

Dated 12th May, 1770.

No. 321. *An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax.*
EXPIRED.

Dated 15th June, 1770.

No. 322. *An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.*
EXPIRED.

Dated 12th October, 1770.

No. 323. *An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail; and applying the same.*
EXPIRED.
See Act of 6th
Sep. 1788,
(No. 456.)

Dated 3d February, 1771.

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Nis. 324, 325.

A. D. 1771.

An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.

No. 324.

EXPIRED.
See Act of 20th
July, 1773,
(No. 348.)

Dated 13th March, 1771.

An Act for the better regulating of Buildings; and to prevent Mischiefs that may happen from Fire, within the Town of Saint John.

No. 325.

See Act of 2d
Sept. 1784,
(No. 425,) amending and
incorporating
this Act :

WHEREAS the Houses and other Buildings, in the Town of *St. John*, being chiefly built of Wood, are particularly liable to the Danger of Fire : And whereas this Danger is made still more alarming, from the many wooden Kitchens erected within the said Town, and also from the many Ovens or Stoves, which are often erected immediately adjoining to wooden Buildings, and are so negligently set as greatly to endanger the Safety of the said Town, as hath lately been unhappily experienced : In order therefore to prevent, as far as may be, such Mischiefs for the future, we, Your Majesty's most loyal and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty that it may be enacted and ordained ; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, every Kitchen, and every House, Building, or Edifice, wherein any Fire shall be used, for the carrying on the Trade of a Blacksmith, or Coppersmith, Plumber and Founder, which shall be erected or built within the Limits of the Town of *St. John*, shall be erected and built in Manner following, that is to say, the Walls of such Kitchen, House, Building, or Edifice, wherein any Fire shall be used, for the carrying on the Trade of a Blacksmith, or Coppersmith, Plumber and Founder, shall be built, wholly, of Brick or Stone, and shall be at least nine Inches thick, and seven Feet in Height from the Set-off of such Wall ; and every such Kitchen shall have a proper and sufficient Chimney or Fireplace, which shall likewise be built, wholly, of Brick or Stone ; the

Inside

That Act repeats in the same Order
Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11—14, 15, 16, 17, 18, 19—21—23, 24, 25, 26, of this Act ; gives
Clauses 12, 13—20—22 with some Alterations ; introduces two new
Clauses after Clause 26 ; gives Clauses 27, 28, with the Numbers altered to 29, 30.

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Inside of such Chimney or Fire-place, to be plaistered or pargetted, from the Springing of the Arch to the Top, and shall be raised or carried up four Feet, at least, above the Ridge of the Roof of such Kitchen or Building.

II. And be it also enacted by the Authority aforesaid, That the Roof of every House, Building or Edifice, wherein any Fire shall be used, for the carrying on the Trade or Business of a Blacksmith, or Coppersmith, Plumber and Founder, shall be, wholly, covered with Slate or Tile.

III. And be it also further enacted by the Authority aforesaid, That all Chimney Jambs and Backs, that shall hereafter be erected or built, within the Limits of the said Town of *Saint John*, shall be, wholly, of Stone or Brick, at least fourteen Inches in Thickness, from the Hearth to the Springing of the Arch of such Chimney or Fire-place; and in Depth at least three Feet, from the Front of such Jamb to the Back of such Chimney or Fire-place; and all Mantles between the Jambs arched over with Brick or Stone; and that no Wainscot shall be placed, or affixed, to the Front of any Jamb or Mantle of any Chimney, nearer than six Inches from the Inside of such Jamb or Mantle.

IV. And be it also enacted by the Authority aforesaid, That the Insides of such Chimnies, as shall hereafter be erected or built, within the Limits of the said Town of *Saint John*, shall be, at least, four Feet in Breadth between the Jambs; and that no Timber shall lie nearer, than six Inches, to any Chimney-funnel or Fire-place.

V. And be it also further enacted by the Authority aforesaid, That from and after the Publication of this Act, all Ovens or Stoves which shall be erected or built in any Kitchen, within the Limits of the said Town of *Saint John*, shall have a Flue or Funnel made, wholly, of Brick or Stone, the Inside to be plaistered or pargetted, which shall enter into, and communicate with the Wing of the Chimney, or Fire-place, of such Kitchen; or every such Oven or Stove shall have a Flue or Funnel built, wholly, of Brick or Stone, the Inside to be plaistered or pargetted, which shall be equal, in Height, to the Chimney or Fire-place of such Kitchen.

VI. And be it also enacted by the Authority aforesaid, That, from and after the Publication of this Act, every Oven or Stove, which shall be erected or built within the Limits of the said Town of *Saint John*, and which shall not be erected in a Kitchen, or some other Brick or Stone Building, having a proper and sufficient Chimney or
Fire-

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Fire-place, according to the Directions of this Act, shall be erected or built, at the Distance of twenty Feet, at least, from any wooden Building or Edifice; and every such Oven or Stove, shall likewise have a Chimney or Flue built, wholly, of Brick or Stone, at least four Inches Thick, (the Inside of such Flue or Funnel to be plaistered, or pargetted,) which shall be raised, or carried up, fifteen Feet above the Crown of such Oven or Stove.

VII. And be it also enacted by the Authority aforesaid, That all Kitchens, Ovens, or Stoves, and also all Houses, Buildings, or Edifices, wherein any Fire shall be used, for the carrying on the Trade of a Blacksmith, or Coppersmith, Plumber and Founder, already erected or built, within the Limits of the said Town of *Saint John*, and which shall not be erected, or built, according to the Directions of this Act, shall be pulled down by the Owners or Proprietors of the same, or altered so as to be made conformable to the several Regulations herein before mentioned and prescribed, within the Space of twelve Calendar Months next after the Publication hereof.

VIII. And be it also further enacted by the Authority aforesaid, That the Person or Persons who shall be in Possession of any Kitchen, House, Building, or Edifice, Chimney, Oven, or Stove, which shall be erected or built, or shall so remain, contrary to the Directions of this Act, or shall receive or take the Rents, Issues, and Profits of the same, shall be deemed the Owner or Proprietor thereof, and shall be liable to the Penalties and Punishments, herein after expressly inflicted against the Owners or Proprietors of such irregular Buildings as aforesaid.

IX. And be it also enacted by the Authority aforesaid, That if the Owners or Proprietors of any Land whereon any Kitchen, Chimney, Oven, or Stove, shall be erected or built, contrary to the Directions of this Act, or whereupon any regular Kitchen, Chimney, Oven, or Stove, erected or built contrary to the Rules herein before prescribed, shall remain beyond the Time herein before limited for altering or removing the same, shall not be resident upon this Island, that then the Attornies or Agents of such Owners or Proprietors, or the Person or Persons who shall direct the building of any such irregular Kitchens, Chimnies, Oven or Stove, or shall neglect or refuse to pull down or alter the same, within the Time herein before limited for that Purpose, shall be liable and subject to the same Penalties and Punishments, as the Owners or Proprietors of such Land would have been liable or subject to, if he, she, or they were Inhabitants of this Island.

X.

X. And be it also enacted by the Authority aforesaid, That if any Tenant shall refuse to permit and suffer the Owner or Proprietor of any such irregular Building, or his, her, or their Workmen and Servants, at seasonable Times, and in the Day-time, to enter upon the Lands or Buildings in the Occupation of such Tenant, in order to comply with the Rules and Directions herein before prescribed, or shall refuse to permit and suffer such Owner or Proprietor, his Workmen, or Servants, to alter or pull down such irregular Buildings as aforesaid; every Person or Persons so refusing, shall suffer the same Penalties and Punishments, as the Owner or Proprietor of such irregular Building would have been subject and liable to, if he, she, or they had wilfully neglected or refused to pull down or amend the same.

XI. And be it also enacted by the Authority aforesaid, That if any Action, Complaint, Suit, Information, or Indictment, shall at any Time be commenced or prosecuted against any Person or Persons, for what he, she, or they shall do in Pursuance of or in Execution of this Act, such Person or Persons so sued or prosecuted, in any Court whatsoever, shall or may plead the General Issue; and, upon any Issue joined, may give this Act, and the special Matter in Evidence: And if the Plaintiff or Prosecutor shall become Nonsuit or suffer Discontinuance, or if a Verdict pass against him, or her, the Defendant or Defendants shall recover their treble Costs, for which they shall have the like Remedy, as in any Case where Costs, by Law, are given to Defendants.

This is the first Clause, between which and the Clauses in No. 425, there is more than a verbal Variation. See Alterations and Additions in No. 425, S. 12.

XII. And be it also enacted by the Authority aforesaid, That it shall and may be lawful, to and for *the Chief Justice of the Court of Common Pleas held for this Island, or any one of the Assistant Justices of the same Court*, upon Complaint made to him, of any Offence committed, done, or suffered, against this Act, to issue a Warrant under his Hand and Seal, directed to the Provost Marshal of this Island, or his lawful Deputy, thereby requiring him, to summon such Offender or Offenders to appear before him—within two Days after Service of such Summons, to answer the Complaint exhibited against him, her, or them: and if such Offender or Offenders shall not appear, within the Time herein before limited, and enter into a Recognizance in the Sum of one hundred Pounds, conditioned for the Observance and Performing of the several Rules and Directions, herein before mentioned and prescribed, within twenty Days after the Taking or Acknowledging thereof, that then the Justice who shall have issued such Summons as aforesaid, upon Proof of the Service thereof,— shall

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shall and may issue another Warrant under his Hand and Seal, directed to the Provost Marshal, or his lawful Deputy, thereby requiring him to summon twelve good and lawful Men, being Freeholders of the said Town of *Saint John*, to appear at the Court-house in the said Town of *Saint John*, upon the Day, and at the Hour in such Warrant mentioned, to enquire of the Truth of the Information exhibited as aforesaid, and also to summon such Person or Persons, as the Informer or Prosecutor shall think proper, to appear at the same Time and Place, and give Evidence touching the same.

XIII. And be it also enacted by the Authority aforesaid, That the Person who shall issue such Warrant, shall immediately give Notice, in Writing, to *the Rest of the Justices of the said Court of Common Pleas*; of the Time appointed for such Trial, which Notice shall be served, at least six Days before the Day of Trial: And if any such Justices shall refuse or neglect to attend, at the Time and Place appointed, not having a sufficient Excuse for such Neglect or Omission, he shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action, Bill, Complaint, or Information, in His Majesty's Court of Common Pleas, or any other Court of Record, held for this Island, together with double Costs of Suit; such Penalty to be to the Use of the Person or Persons who shall sue for the same.

*See Altera-
tion in No.
425, S. 13.*

XIV. And be it also enacted by the Authority aforesaid, That before any Warrant shall be issued, to summon the Jurors and Witnesses as aforesaid, the Justice who shall issue the same, shall take the Deposition of the Informer or Prosecutor upon Oath; which shall be signed by the Party making the same, and shall set forth, that the Deponent doth verily believe, that the Person or Persons against whom such Complaint or Information is exhibited as aforesaid, have offended against this Act; and such Deposition shall be lodged by the Person taking the same, in the Secretary's Office of this Island, at least six Days preceding the Day of Trial.

*Clauses from
14, to 19, in-
clusive, same
as in No. 425.*

XV. And be it also enacted by the Authority aforesaid, That the Mode and Manner of trying such Information shall be as follows, that is to say, The Jury summoned to try the same, shall be sworn, by any one of the said Justices, well and truly to try the Matter in Question between the Informer and Defendant, or Defendants, and to give a true Verdict according to the Evidence; and all Witnesses, before they shall be permitted to give any Testimony touching such Information, shall be also sworn, in like Manner, to speak the Truth according to the best of their Knowledge; and all Verdicts found by

the Jury, shall be written or indorsed upon the Back of the Information, in the like Manner as is used, in the Court of Common Pleas held for this Island.

XVI. And be it also enacted by the Authority aforesaid, That the Affirmation or Affirmations of the People called Quakers, shall be allowed and taken, in all Cases where any Oath or Oaths is or are directed to be taken by this Act, instead of such Oath or Oaths, and shall be administered by the same Person or Persons, as such Oath or Oaths is or are to be administered; and every Person making such Affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer the same Pains and Penalties, as are inflicted and imposed, by the Common Law of *Great Britain*, upon Persons convicted of wilful and corrupt Perjury.

XVII. And be it also enacted by the Authority aforesaid, That the Person or Persons making such Information, shall be deemed and taken, as a good and competent Witness, to prove any Matter or Thing upon the Trial of such Information; and the said Justices, or any two of them, at the Request of the Informer or Defendant, are hereby authorized and required, to cause any irregular Building, complained of as aforesaid, to be viewed and measured by the Jury summoned to try the said Information, or any seven of them; and if any Person or Persons, shall attempt to hinder such Jurymen, from viewing or measuring the same, such Person or Persons shall be immediately committed to the Common Gaol of this Island, by Warrant under the Hands and Seals of the said Justices, or any three of them, there to remain, until such View shall have been taken by the Jury, as aforesaid, without Bail or Mainprize.

XVIII. And be it also enacted by the Authority aforesaid, That in case any Person or Persons, shall make Oath or give Evidence, in any Cause depending before the said Justices, according to this Act, whereby he, she, or they shall commit any wilful or corrupt Perjury, and thereof be convicted according to Law, every such Person or Persons shall incur and suffer the same Pains and Penalties, as are inflicted and imposed, by the Common Law of *Great Britain*, upon Persons convicted of wilful and corrupt Perjury.

XIX. And be it also enacted by the Authority aforesaid, That if any Jurymen or Witness, who shall be summoned to appear before the said Justices, in pursuance of this Act, shall neglect or refuse to appear according to the Direction of the Summons; or, appearing, shall refuse to be examined on Oath, touching the Premises; and no just Excuse shall be offered for such Neglect or Refusal; every Person

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son so offending, upon Proof on Oath of such Summons having been served on him, her, or them, shall, for every such Offence, forfeit and pay the Sum of twenty Pounds; to be levied and recovered as herein after directed.

XX. And be it also enacted by the Authority aforesaid, That it shall and may be lawful, to and for *the said Justices, or any two of them*, to hear and determine all Offences committed against this Act; and, upon Trial of any Information, if the Jury shall find the Defendant or Defendants, guilty of the Offence or Offences charged against him, her, or them, to issue a Warrant under their Hands and Seals, directed to the Provost Marshal of this Island, thereby commanding him to take the Body or Bodies of such Defendant or Defendants, and keep him, her, or them confined in the Common Gaol of this Island, until he, she, or they shall have paid into the Hands of the Treasurer of this Island, or his lawful Deputy, the Sum or Sums of Money specified in such Warrant; and upon a Certificate, under the Hand and Seal of such Treasurer, or his lawful Deputy, that the Person or Persons, so confined, have paid such Penalty or Forfeitures, he, she, or they shall be immediately discharged.

*See Altera-
tion in No.
425, S. 20.*

XXI. And be it also enacted by the Authority aforesaid, That if a sufficient Number of Justices, or Jurymen, shall not appear, at the Day appointed to try the Information; or if the Informer or Prosecutor shall declare upon Oath, that a material Witness or Witnesses, having been duly summoned, is or are absent; that, then, the said Justices, or any one of them, shall adjourn the further Hearing of such Information or Complaint, for any Number of Days not exceeding seven Days; and so from time to time as Occasion shall require: And such Witnesses or Jurymen, neglecting or refusing to attend at the Time appointed by such Adjournment, shall incur and pay the same Penalties and Forfeitures, as if he, she, or they, had neglected or refused to attend upon the original Summons.

*Clause same as
in No. 425.*

XXII. And be it also enacted by the Authority aforesaid, That if the Jury, upon such Trial, shall find the Defendant or Defendants guilty of the Offence charged in the Information, that then such Defendant or Defendants, so convicted as aforesaid, shall forfeit and pay such Sum of Money, as the said Justices shall think proper; so as such Sum do not exceed fifty Pounds, and be not under ten Pounds; to be levied and recovered in Manner herein after mentioned: Such Penalty or Forfeiture to be paid into the Hands of the Treasurer of this Island for the Time being, to be applied to such Uses as the Legislature of this Island shall direct and appoint; and

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*See Fees to
Justices in No.
425, S. 22.*

such Defendant or Defendants, shall likewise pay the Cost and Charges following, that is to say, — To the Provost Marshal, or his Deputy, for each Person he shall summon, the Sum of three Shillings; and, for attending the Trial, the Sum of three Pounds: To the Secretary, for receiving and filing each Deposition or Information, the Sum of three Shillings; for attending the Trial, the Sum of three Pounds: And to each Jurymen, the Sum of seven Shillings and six Pence: Which said Fees, or Sums of Money, shall be paid by the Treasurer of this Island for the time being, upon an Order signed by any two of the said Justices present at the Trial, and shall be added to, and recovered together with, the Penalty herein before imposed upon the Defendant or Defendants: And if upon such Trial the Jury shall find the Defendant or Defendants not guilty, then the same Fees shall be paid by the Treasurer of this Island, upon a like Order under the Hands and Seals of the said Justices, or any two of them, present at the Trial: Which Orders or Warrants, with a Receipt or Receipts thereon indorsed, shall be a sufficient Voucher for the Treasurer, in passing his Public Accounts.

*Clauses from
23, to 26, in-
clusive, same
as in No. 425.*

XXIII. And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Justices, or any two of them, sitting upon the Trial or Hearing of any Plaint or Information, prosecuted according to the Directions of this Act, to punish all Contempts committed against him or them, by imposing upon such Offender or Offenders any Fine or Penalty not exceeding five Pounds, and to commit such Offender or Offenders to the Common Gaol of this Island, there to remain without Bail or Mainprize, until he, she, or they shall have paid the same.

XXIV. And be it also enacted by the Authority aforesaid, That the said Justices, or any two of them, shall, by Warrant under their Hands and Seals, order and direct the Provost Marshal of this Island, to pull down and demolish, all such irregular Buildings, which a Jury upon any Information exhibited and prosecuted as aforesaid, shall find to have been erected or continued contrary to the Directions of this Act, within ten Days after the Delivery or Notice of such Order or Warrant: And if any Person or Persons shall resist the said Marshal, or his lawful Deputy, or those employed by him for that Purpose, in the Execution of such Order or Warrant; or if such Provost Marshal or his Deputy shall refuse or neglect to execute such Order or Warrant, he, she, or they so offending, shall forfeit and pay the Sum of fifty Pounds for each Offence; to be paid to the Informer, and recovered by Warrant of any of the said Justices; who is hereby
authorized

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A. D. 1771.

authorized and required to commit such Offender or Offenders to the Common Gaol of this Island, until he, she, or they shall pay the same.

XXV. And be it also enacted by the Authority aforesaid, That the Costs, Charges, and Expences, attending the Execution of any Warrant, issued for the pulling down or demolishing of any irregular Building as aforesaid, shall be paid by the Treasurer of this Island, upon an Order under the Hands and Seals of the said Justices, or any two of them: Which Order, with a Receipt thereon indorsed, shall be a sufficient Voucher for the Treasurer in passing his Public Accounts.

XXVI. And be it also enacted by the Authority aforesaid, That all Penalties or Forfeitures, imposed upon the Jurymen or Witnesses, for neglecting or refusing to attend according to the Directions of this Act, shall be recovered, by a Warrant, under the Hand and Seal of the Justice, before whom the original Complaint or Information was exhibited, directed to the Provost Marshal, or his lawful Deputy, thereby requiring him to take the Body or Bodies of such Offender or Offenders, and keep, him, her, or them confined in the Common Gaol of this Island, until he, she, or they shall have paid the Sum or Sums of Money, specified in such Warrant; which said Sum or Sums of Money are to go and be paid to, and among such of the Jury as shall appear, at the Time appointed by such Summons or Adjournment; and if none of such Jury shall appear, then to the Informer or Prosecutor; and the Provost Marshal or his lawful Deputy is hereby authorized, upon Receipt of the said Sum or Sums of Money, to discharge the Person or Persons paying the same out of his Custody.

See in No.
425, S. 27. 28.
two new
Clauses intro-
duced.

XXVII. And be it also enacted by the Authority aforesaid, That if any of the said Justices, shall refuse to receive any Complaint or Information, against any Person or Persons, for any Offence committed against this Act, or shall refuse or neglect to proceed upon the same; such Person or Persons, so offending, shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action, Bill, Plaint or Information, with double Costs, in His Majesty's Court of Common Pleas, or any other Court of Record held for this Island: Such Penalty to be to the Use of the Person or Persons who shall sue for the same.

These last two
Clauses are
the last two, in
No. 425, with
the mere Alte-
ration of the
numerical No-
tation.

XXVIII.

11th GEO. III.

Nis. 325, 326.

A. D. 1771.

XXVIII. And be it also enacted by the Authority aforesaid, That all Recognizances taken by Virtue of this Act, shall be immediately returned into the Secretary's Office ; and upon Proof, being made to the Court of King's Bench and Grand Sessions of the Peace, held for this Island, that the Person or Persons, entering into such Recognizance, have broken or forfeited the same, such Recognizance shall be proceeded upon in like Manner, as other Recognizances are, by Law, directed to be prosecuted and recovered.

Dated at *Antigua*, the first Day of *June*, one thousand seven hundred and seventy-one, and in the eleventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

THOMAS WARNER, *Speaker*.

Passed the Assembly the thirtieth Day of *May*, one thousand seven hundred and seventy-one.

Passed the Council the thirtieth Day of *May*, one thousand seven hundred and seventy-one.

By Command,

ROBERT DUNCAN,
Clerk to the Assembly, pro tempore.

WILLIAM ATKINSON,
Deputy Secretary.

Published the seventh Day of *June*, one thousand seven hundred and seventy-one.

SAMUEL H. WARNER, *Deputy Provost Marshal.*

No. 326.
EXPIRED.

An Act for determining Differences by Arbitration.

Dated 1st *June*, 1771.

An

11th GEO. III.

Nis. 327, 328.

A. D. 1771.

An Act raising a Tax for paying Public Debts and Charges, and particularly applying the said Tax. No. 327.
EXPIRED.

Dated 1st June, 1771.

An Act for investing a certain Proportion or Parcel of Land, situate to the Eastward of the Common Jail in the Town of St. John in the Island of Antigua, belonging to the Heirs of Samuel Lyons, deceased, or to some other Person or Persons claiming a Right thereto, in His Majesty, His Heirs and Successors, for certain Public Uses. No. 328.

WHEREAS, since the Common Jail in the said Town of Saint John, hath been burnt down, by the late dreadful Fire, which happened therein upon the seventeenth Day of August, one thousand seven hundred and sixty-nine, such Part of the said Common Jail as is necessary for the Confinement of Criminals, is already built; and the Heat of this Climate requires, that the Public of this Island should consult the Ease of unfortunate Debtors, by making that Part of the Jail wherein they are to be confined as airy and spacious as possible: And whereas there is a certain Proportion or Parcel of Land, situate to the Eastward of the present Jail and the Lands thereto belonging, claimed by the Heirs, or other Representatives of the said Samuel Lyons deceased, or some other Person or Persons claiming a Right thereto; which Proportion or Parcel of Land, hath been viewed, valued, and appraised at the Sum of one hundred and seventy-five Pounds; and the said Proportion of Land is convenient for the Purposes aforesaid; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, most humbly pray Your Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Proportion or Parcel of Land, shall now, and for ever hereafter enure and belong to His Majesty, His

PREAMBLE.

ACT.
Land descri-
bed in Recital
to be bought
and

11th GEO. III.

No. 328.

A. D. 1771.

and vested in
His Majesty
for building a
Jail.

His Heirs, and Successors, for the Uses herein mentioned; and that there shall, with all possible Dispatch, be built thereon a Jail, and other necessary Outhouses, according to a Plan to be laid before the Legislature of this Island, and by them to be approved of and resolved upon.

Payment of
Purchase
Money sus-
pended till
Title be set-
tled.

II. Provided always, and it is hereby further enacted and ordained, That if any Person or Persons shall think, he, she, or they, have a Title to the said Proportion or Parcel of Land, and shall enter a Caveat with the Treasurer, and shall, within a reasonable Time afterwards, commence an Action, the Treasurer is hereby required, to retain the Value of the said Proportion or Parcel of Land, until the Title be settled; and then to pay to him, her, or them, having Title thereto, the said Sum of one hundred and seventy-five Pounds.

Resident
Commander
in Chief and
Committee to
supervise
Work.

III. And be it further enacted and ordained by the Authority aforesaid, that the Commander in Chief upon this Island for the Time being, and a Committee of the Council and Assembly of this Island, to be from time to time appointed for that Purpose, shall have Power to supervise the said Work, and execute the aforesaid Plan in the best Manner.

Dated at *Saint Christopher's*, the twenty-fourth Day of *June*, one thousand seven hundred and seventy-one, and in the eleventh Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

THOMAS WARNER, *Speaker*.

Passed the Assembly, the
thirtieth Day of *May*,
one thousand seven hun-
dred and seventy-one.

Passed the Council, the
thirtieth Day of *May*,
one thousand seven hun-
dred and seventy-one.

By Command,

ROBERT DUNCAN,
Clerk to the Assembly, pro tempore.

WILLIAM ATKINSON,
Deputy Secretary.

Published

11th GEO. III.

Nis. 328—332.

A. D. 1771.

Published the thirteenth Day of *July*, one thousand seven hundred and seventy-one.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixty-eighth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

No. 329.
EXPIRED.

Dated 20th October, 1771.

An Act supplementary to an Act, intituled, An Act for regulating the Militia of this Island.

No. 330.
OBSOLETE.

Dated 18th October, 1771.

An Act for the Ease and Relief of several insolvent Debtors, confined in the Common Jail, the seventeenth Day of October, in the present Year of our Lord one thousand seven hundred and seventy-one.

No. 331.
OBSOLETE.

Dated 14th December, 1771.

An Act for providing an additional Support for his Excellency Sir Ralph Payne, Knight of the Bath, during his Government; and appointing particular Funds for the Payment thereof.

No. 332.
TEMPORARY.

Dated 26th February, 1772.

No. 333.
EXPIRED.

See Act of 21st
Jan. 1791,
(No. 475.)

An Act for reviving, continuing, and amending an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and more effectual Support of Credit.

Dated 26th February, 1772.

No. 334.
EXPIRED.

An Act for the further Continuance of an Act, intituled, An Act for the Assize of Bread.

Dated 4th March, 1772.

No. 335.
EXPIRED.

An Act to continue an Act, intituled, An Act to regulate the Guage of Madeira Wine, and Wines of the Growth of the Western Islands.

Dated 4th March, 1772.

No. 336.
SUPERSEDED.

See Act of 21st
Feb. 1799,
(No. 532.)

An Act for reviving and continuing an Act, intituled, An Act for ascertaining the Freight of Goods, Wares, and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported, from one Part of the Island to another

ISLAND OF ANTIGUA.

415

12th GEO. III.

Nis. 336—339.

A. D. 1772.

another Part of the said Island, or to and from any of the Islands thereto adjacent and belonging, in any Sloops, Shallops, Boats, or Vessels commonly called Sugar Droughers.

Dated 26th February, 1772.

An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.

No. 337.
EXPIRED.

Dated 4th April, 1772.

An Act for the further Continuance of an Act, intituled, An Act for the further Prevention of Damages to the Harbours, and for appointing Harbour Masters; also, one other Act to amend an Act, intituled, An Act for the further Prevention of Damages to the Harbours; and for appointing Harbour Masters.

No. 338.
EXPIRED.

Dated 11th June, 1772.

An Act for the further Continuance of An Act supplementary to an Act for regulating the Towns and Harbours, settling Markets, and encouraging Wharfs in this Island; and to prevent Abuses in the Fishery about the same.

No. 339.
EXPIRED.

Dated 11th June, 1772.

No. 340.
EXPIRED.

An Act for the further Continuance of an Act, intituled, An Act for preventing Abuses in carrying on the Inland Trade of this Island; regulating the Hire, and Manumission of Slaves; and for advertising Runaways committed to Jail.

Dated 11th June, 1772.

No. 341.
SUPERSEDED
by later Act
of Continua-
tion.
See original
Act, No. 314.

An Act to continue an Act, intituled, An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore, and to oblige the Commanders of Merchant Vessels to provide for such Sailors.

No. 314.

WHEREAS an Act, intituled, *An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors*; bearing date the fifteenth Day of May, one thousand seven hundred and sixty-nine, will expire at the next Meeting of the Council and Assembly of this Island, after the fifteenth Day of May instant, unless continued; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Asssembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said herein before recited Act shall be and continue in Force for *three Years* from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated

ISLAND OF ANTIGUA.

417

12th Geo. III.

Nis. 341, 342.

A. D. 1772.

Dated at *Antigua*, the eleventh Day of *June*, one thousand seven hundred and seventy-two, and in the twelfth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

THOMAS WARNER, *Speaker*.

Passed the Assembly, the
fourteenth Day of *May*,
one thousand seven hun-
dred and seventy-two. }

{ Passed the Council, the
fourteenth Day of *May*,
one thousand seven hun-
dred and seventy-two.

By Command,

ROBERT DUNCAN,
Clerk to the Assembly, pro tempore.

WILLIAM ATKINSON,
Deputy Secretary.

Passed by the Governor in Chief, the eleventh Day of *June*, one thousand seven hundred and seventy-two.

RALPH (L. S.) PAYNE.

Published this twelfth Day of *June*, one thousand seven hundred and seventy-two.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

An Act for the further Continuance of an Act, intituled, No. 342.
An Act for regulating the Fees of sworn Pilots. EXPIRED.

Dated 11th *June*, 1772.

An

No. 343.
OBSOLETE.

An Act for lending the Sum of five hundred and sixty-six Pounds, nineteen Shillings, and nine Pence, out of the Public Treasury of this Island, to the Inhabitants of Long Street, Church Street, and such Parts of the Cross-streets and Lanes as run through the same, in the Town of Saint John; and for securing the Re-payment thereof.

Dated 11th June, 1772.

No. 344.
EXPIRED.

An Act raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax.

Dated 22d August, 1772.

No. 345.
EXPIRED.

An Act for the better regulating of small Vessels; and preventing Escape of Debtors from this Island.

Dated 22d August, 1772.

No. 346.
EXPIRED.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in His Majesty's sixty-eighth Regiment, now posted in this Island; and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

Dated 15th October, 1772.

13th GEO. III.

Nis. 347, 348.

A. D. 1773.

An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants, in the second Battalion of His Majesty's sixtieth Regiment, now posted in this Island; and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.

No. 347.
EXPIRED.

Dated 18th March, 1773.

An Act for laying a Duty of Powder, on all Vessels trading to and from this Island, for the Protection of the Trade of the same.

No. 348.
ALTERED
and CONTI-
NUED, after
several inter-
mediate Revi-
vals, by Act
of 26th June,
1802, (No.
566.) The last
Act is altered
and continued
by Act of 1st
Oct. 1803,
(No. 576.)

WHEREAS several Acts have been heretofore passed, from time to time, in this Island, for laying a Duty of one Pound of Powder, on all Vessels trading to and from this Island, for every Ton they shall be registered; and as one such Act expired, another hath been made; and as it is absolutely necessary, that such an Act should be in force, for the raising a Supply of Powder, for the Defence of this Island, and the Protection of the Trade, without which, we should become an easy Prey to an Enemy; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, [That from and after the Day of the Publication hereof, every Master or Commander of any Ship or Vessel trading to or from this Island, shall, before their Departure from the same, pay into the Hands of the Collector or Receiver, that is or shall be appointed for that Purpose, ONE POUND OF POWDER,—ONE HALF OF WHICH SHALL BE PAID IN COMMON, THE OTHER HALF IN PISTOL POWDER FOR EACH TON,—ACCORDING TO THE REGISTER; if Powder can conveniently be got, or produced in the Island to answer the whole Duty of the said Ship or Vessel: but if Powder, of the Species aforesaid, cannot be produced at the Rates hereafter mentioned, that is to say, Cannon Powder at the Rate of fifteen Pence

ACT.
This Part of
Clause not re-
newed by No.
566: but the
Ratio of Pow-
der now in
force under
No. 576, is
the same as
that in Clause.

By No. 576,
Foreign Ves-
sels, not trad-
ing under the
Free Port Act,
may

per

*may commute
the whole
Duty in Mo-
ney, at 6s. per
Pound.*

*Collector to
distinguish
Commuta-
tion-money in
his Accounts.
To be applied
to purchase
War-stores, or
repair Forts.*

*By No. 566,
S. 3. Sugar
Droughers of
the Islands
not exceeding
sixty Tons ex-
empted from
Duty.*

*Register of
Entries.*

*Collector not
to take other
Fees than ap-
pointed by
S. 7.*

*To account to
the Public for
Powder and
Commuta-
tion-money.*

per Pound, and Pistol Powder at the Rate of eighteen Pence per Pound; then the Collector of the said Duty, is hereby directed and required, to receive Three-fourths of the said Duty in the said different Species of Powder, and the other Fourth thereof at the Rates aforesaid, in Gold and Silver current Money of this Island, from any Master or Commander of such Ship or Vessel; it being the Design and Intent of this Act, to make the said Masters or Commanders, as easy as possible in the Payment of their Duties, and not subject them to the Will and Pleasure of the Collector of the said Duties, who, without some Provision of this Kind, might take on him to oblige, the said Masters or Commanders, to pay an extravagant Rate for the Powder;] and when the Collector receives Money, instead of Powder, he shall distinguish the same in his Accounts; and the Monies so received shall be applied to the purchasing of Powder, or other Stores of War, or to the Repairs of the Forts and Fortifications of this Island.

II. Provided always, and it is the Intent and Meaning of this Act, That no Sloops or other small Vessels, belonging to this Island, that carry on a constant Trade between this and the neighbouring Islands, which make frequent Returns in the course of twelve Months, at a Profit rarely amounting to so much as the Port Charges, shall pay the said Duty *oftener than once in each Year.*

III. And be it further enacted by the Authority aforesaid, That the Collector or Receiver of the said Powder Duty, for the Time being, is hereby required, to make a fair Register of all Entries, in a well-bound Book or Books, by him to be provided, and kept for that Purpose; and in no case whatsoever, to receive, take, or demand, any Reward, Fee or Fees, by Virtue of his said Office, other than what in this Act are appointed; nor until he shall in the said Book have fairly written the Names of such Ship or Vessel, their Tonnage or Burthen: And faithfully account for all the Powder and Money, that shall be delivered, or come into his Care and Possession, by Virtue of his Office, for the Use or Account of the Public of this Island.

IV. And whereas the Welfare and Safety of this Island, greatly depends on the Care and Fidelity of such Person or Persons, as shall, for the future, be nominated and appointed Collector or Receiver of the Powder Duty; it being a Place of great Trust, and highly requisite that he should be under some strong Tie for the just Discharge thereof; and also that he may have due Encouragement truly to perform and execute the Duties of the said Office, It
is

13th GEO. III.

No. 348.

A. D. 1773.

is hereby enacted by the Authority aforesaid, that the said Collector or Receiver for the time being, shall give Security to His Majesty, His Heirs and Successors, in the Secretary's Office of this Island, with two sufficient Securities, to be Freeholders within this Island, in the Sum of five hundred Pounds each, lawful Money of the said Island, which Security shall be approved by the Commander in Chief on the Island for the Time being, and the Council and Assembly of the said Island, for the just and faithful Discharge of his Office, before he shall enter upon the Execution thereof, and that he shall not receive any other than good Cannon and Pistol Powder, from any Vessel clearing at his Office, except as herein before mentioned, under Penalty of being removed from his Office, and rendered incapable of ever enjoying the same again.

Collector to
give Security;
(two Sureties
in 500^l. each.)

V. And be it, and it is hereby further enacted by the Authority aforesaid, that the Collector or Receiver for the time being, shall be allowed and paid the Sum of one hundred Pounds, current Money, for a Year's Salary, for executing the said Office, and so proportionably for a less Time: Provided always, and it is the true Intent and Meaning of this Act, that no Person shall be put into, or entrusted with the said Office, but what shall give Security as aforesaid; and if at any Time, any Person shall be put into the said Office, contrary to the true Intent and Meaning hereof, that then such Person shall not receive any Part of the aforesaid Salary, or any Allowance or Gratuity whatsoever, either from or out of the Income of the said Office, or otherwise howsoever from the Public of this Island.

Collector's
Salary 100^l.
per Annum.

Collector act-
ing without
giving Secu-
rity, not to re-
ceive either
Salary or Fees.

VI. And be it further enacted and ordained, That the Collector or Receiver of the aforesaid Duty, shall once every twelve Months, or oftener if required, give and render unto the Commander in Chief on the Island for the time being, and the Council and Assembly, an Account of the just and faithful Discharge of his Office; which said Account shall be examined and settled by a Committee of the Council and Assembly, to be appointed in the same Manner, that hath been used and practised, for the Adjustment of the Treasurer's Accounts.

Collector to
render Ac-
count Yearly
or oftener, to
Commander
in Chief, &c.

VII. And be it further enacted by the Authority aforesaid, That, upon Payment of the said Duty imposed by this Act, the said Collector or Receiver, shall give a Clearance, for the said Ship or Vessel, unto the Naval Officer; for which Clearance, the said Collector or Receiver is hereby impowered, to demand and receive, three Shillings, current Money, and no more, for each Vessel; and

On Payment
of Duty, Col-
lector to cer-
tify it to Naval
Officer.

Collector's
Fee 3s.

13th GEO. III.

No. 348.

A. D. 1773.

Naval Officer
not to clear
Vessel without
Certificate.

the said Naval Officer is hereby required, not to clear any Ship or Vessel without a Certificate from the Collector or Receiver thereof.

Powder-offi-
cer and Depu-
ties to take

VIII. And in order to prevent the Powder-officer of this Island, from selling Powder to such Masters of Ships and Vessels, who may want Powder to pay their Duty, as there has not been, hitherto, a Check upon the Powder-officer, to ascertain the Weight of the Powder issued from, or taken into the Magazines: And whereas the Powder-officer, by being so prohibited from selling his Powder to the Masters of Vessels, will not find his Account in receiving less from them than they are to pay: Now for remedying and preventing the aforesaid Evils, be it enacted by the Authority aforesaid, That the Powder-officer for the Time being, his Deputy, or Deputies, or any Person or Persons, who shall be hereafter appointed to the said Office, and his or their Deputy or Deputies, shall, before his or their Entering upon the same Office, take the following Oath before the Council of this Island.

Oath.

I A. B. do swear, that I will act justly, in the Office of Collector or Receiver, [or Deputy Collector or Receiver] of the Powder Duty of this Island, to the utmost of my Power; and that I, nor any Person or Persons for me or to my Use or Profit, shall not, nor will sell any Powder to any Master of any Ship or Vessel; but will faithfully execute the Duties, enjoined and prescribed by the Laws of this Island, relating to the said Office.

SO HELP ME GOD.

Powder-offi-
cer not to sell
Powder to
Masters of
Vessels, nor
furnish Maga-
zine with his
own Powder;
under Penalty
of Incapacity
for Office, and
Payment of
100*l.* to In-
former;

IX. And be it, and it is hereby enacted, That from and after the Date of this Act, the Powder-officer of this Island, either by himself or others, shall on no Pretence whatsoever, sell any Powder to any Master or Owner of any Ship or Vessel, or otherwise furnish any Magazine in this Island, with any Powder in which he hath a Property: And if the Powder-officer of this Island shall at any Time, during the Continuance of this Act, presume to sell any Powder to any Master or Owner of any Ship or Vessel, or shall otherwise furnish any Magazine in this Island, with any Powder in which he hath any Property; such Powder-officer, upon due Proof made of such his selling or furnishing, shall be, and is hereby declared to have forfeited his Office of Powder-officer, and rendered incapable of holding the Powder-office of this Island for the future; and shall forfeit, for such Offence, one hundred Pounds, current Money of this

13th GEO. III.

No. 348.

A. D. 1773.

this Island, to the Informer, to be recovered by Action of Debt, Bill, Complaint, or Information, with full Costs of Suit, in any Court of Record in this Island, wherein no Essoign, Protection, or Wager of Law shall be allowed.

X. And be it, and it is hereby further enacted by the Authority aforesaid, that this shall be the only Act of this Island, by which the Powder Duty shall be regulated and governed.

XI. And be it hereby enacted by the Authority aforesaid, That this Act shall continue in force for *one Year* next after the Day of the Publication thereof, and no longer; which Publication shall be indorsed and written on this Act, with the Day and Year of such Publication, and signed with the Name of the Marshal, or his Deputy, who published the same; which Publication shall be recorded with the Act in the Secretary's Office of this Island.

Dated at *Antigua*, the twentieth Day of *July*, one thousand seven hundred and seventy-three; and in the thirteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS WARNER, *Speaker*.

Passed the Assembly, the thirteenth Day of *May*, one thousand seven hundred and seventy-three.

Passed the Council, the thirteenth Day of *May*, one thousand seven hundred and seventy-three.

By Command,

ROBERT DUNCAN,
Clerk to the Assembly, pro tempore.

JOHN WILKINS,
Deputy Secretary.

Passed the Governor in Chief, this twentieth Day of *July*, one thousand seven hundred and seventy-three.

RALPH (L. S.) PAYNE.

to be recovered by Action or Information.

No dilatory Plea.

Act the only Powder-Act.

In force without Limitation of Time by No. 576, operating with No. 566.

13th GEO. III.

Nis. 349—351.

A. D. 1773.

No. 349. *An Act raising a Tax for paying Public Debts and Charges; and, particularly applying the said Tax.*

EXPIRED.

Dated 3d August, 1773.

No. 350. *An Act for the embodying and better Regulation of the Matrosses on the Forts and Fortifications of this Island*

NOT CONFIRMED.

Dated 3d August, 1773.

No. 351. *An Act for the better regulating of small Vessels; and, preventing Escapes of Debtors from this Island.*

MADE PERPETUAL, with Act of 18th May, 1793, (No. 486,) by Act of 24th Jan. 1803, (No. 571.)

Act of 28th Oct. 1669, (No. 17.)

Masters of Vessels not comprehended in No. 17, to give Bond in Secretary's Office, with two Sureties in 500*l.* not to carry off Persons unlicensed.

WHEREAS many and great Inconveniencies have arisen from the clandestine Escapes of Debtors from this Island: And whereas such Escapes have been generally made in small Vessels, which are not, by the Laws of this Island, obliged to give any Security, for not carrying off any Person or Persons, from this Island, who have not obtained a proper License for that Purpose: In order therefore to prevent such Mischiefs for the future, we, Your Majesty's dutiful and loyal Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all and every Owner or Master of any Sloop, Shallop, Sugar-drougher, and every other Vessel whatsoever, carrying, or being navigated with one or more Sails, which are not already obliged to give Security in the Secretary's Office, according to an Act of this Island already made and provided, shall, within one Month from and after the Publication of this Act, give Bond in the Secretary's Office of this Island, with two sufficient Securities to His Majesty, in the Sum of five hundred Pounds, not to carry off any Person or Persons whatsoever from this Island, or any of the Islands thereto adjacent and belonging, unless such Person or Persons shall have first obtained the usual License from the said Secretary's Office.

13th GEO. III.

No. 351.

A. D. 1773.

II. And be it also enacted by the Authority aforesaid, That the Secretary of this Island, or his lawful Deputy, for the time being, shall deliver unto such Master or Owner, a Certificate of his having given such Bond as aforesaid; and shall have and receive, for his Trouble, the Sum of four Shillings and six Pence, and no more: And if any Master shall presume to sail, out of any Port or Harbour in this Island, or any of the Islands thereto adjacent and belonging, without having given such Bond as aforesaid; such Master, shall for every such Offence, forfeit the Sum of one hundred Pounds, to be recovered by Action, Bill, Complaint, or Information, in any Court of Record held for this Island, wherein no Essoign, Protection, or Wager of Law shall be allowed; such Penalty to be to the Use of the Informer.

Certificate of Bond to Master.

Secretary's Fee 4s. 6d.

Master sailing without giving Bond, to forfeit 100^l. to Informer;

recoverable by Action or Information.

No dilatory Plea.

III. And be it also enacted and ordained by the Authority aforesaid, That all and every Bond, given or entered into by Virtue of this Act, shall be for the Benefit of the Person or Persons, who shall be injured by the Breach thereof.

Bond to be for the Benefit of Persons injured.

IV. And whereas divers Felonies and Frauds have been committed, by Means of Boats, commonly called Bum Boats, being permitted to trade with the Ships and Vessels in the Harbour and Road of *St. John*; which, under a Pretence of supplying such Ships and Vessels with Provisions and Vegetables, have received and conveyed away great Quantities of stolen Goods, to the great Detriment of the Inhabitants of the said Town; be it therefore enacted and ordained by the Authority aforesaid, That, from one Month after the Publication of this Act, no Person or Persons whatsoever shall trade, traffick, buy, barter, or sell to or with the Crew of any Ship or Vessel in the said Road or Harbour of *St. John's*, in any Boat, Vessel, or Canoe under the Penalty of ten Pounds, to the Use of the Informer; such Penalty, if the Offender shall be a free Person, to be recovered by the Oath of one credible Witness, before any two of His Majesty's Justices of the Peace for this Island, who are also hereby empowered, to levy such Fine or Penalty, by Distress and Sale of such Offender's Goods, and, for Want of a sufficient Distress, to commit such Offender to the Common Jail of this Island, there to remain until he shall have paid such Fine; and if the Offender shall be a Slave, under the Pain of fifty Lashes for every such Offence, such Punishment to be ordered by any Justice of Peace for this Island, before whom such Offender shall be convicted.

No Persons to trade in Boats with Crews in *St. John's* Harbour, under Penalty of 10^l.; Imprisonment, if no Distress; if Slaves, fifty Lashes.

V. And be it further enacted by the Authority aforesaid, That this Act shall continue and be in force, for one Year from the Day of

Act perpetual by No. 571.

13th GEO. III.

Nis. 351, 352.

A. D. 1773.

See Act of
18th Oct.
1784, (No.
428.) S. 9.
and No. 486.

of the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the twenty-third Day of *October*, one thousand seven hundred and seventy-three, and in the thirteenth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

JOHN LYONS, *Speaker*, pro tempore.

Passed the Assembly, the twenty-third Day of *September*, one thousand seven hundred and seventy-three.

Passed the Council, the twenty-first Day of *October*, one thousand seven hundred and seventy-three.

By Command,

ROBERT DUNCAN,
Clerk to the Assembly, pro tempore.

JOHN WILKINS,
Deputy Secretary.

Passed the Governor in Chief, this twenty-third Day of *October*, one thousand seven hundred and seventy-three.

RALPH (L. S.) *PAYNE*.

Published this twenty-seventh Day of *October*, one thousand seven hundred and seventy-three.

SAMUEL H. WARNER, *Dep. Pro. Marshal*.

No. 352.
EXPIRED.

An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail; and, applying the same.

Dated 24th *December*, 1773.

14th GEO. III.

Nis. 353—356.

A. D. 1773.

An Act to revive and continue an Act, intituled, An Act No. 353.
for regulating the Fees of sworn Pilots. EXPIRED.

Dated 24th December, 1773.

An Act to revive and continue an Act, intituled, An Act No. 354.
for the further Prevention of Damages to the EXPIRED.
Harbours; and for appointing Harbour-masters;
and, also one other Act to amend an Act, intituled,
An Act for the further Prevention of Damages
to the Harbours; and for appointing Harbour-
masters.

Dated 24th December, 1773.

An Act for paying an additional Subsistence to all of, and No. 355.
under the Rank of Lieutenants in the Second Battalion
of His Majesty's sixtieth Regiment, now posted in this
Island, and appropriating a Fund for the same; and
for the Encouragement and Support of disabled Soldiers.

Dated 10th March, 1774.

An Act for vesting divers Slaves, late of Robert Pearne, No. 356.
of Isleworth, in the County of Middlesex, in the PRIVATE.
Kingdom of Great Britain, Esquire, now deceased, in
Trustees, to be sold; and for laying out the Monies,
arising by such Sale, in the Purchase of other Slaves,
to be settled upon the Trustees, and to the Uses of
the Will of the said Robert Pearne.

Dated 6th May, 1774.

An

No. 357.

SUPERSEDED
by later Act
of Continuation.

See No. 295.

An Act for reviving and continuing an Act, intituled, An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen; also, another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also, An Act supplementary to the two foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants; and preserving and increasing the Number of White Inhabitants of this Island.

No 295.

WHEREAS An Act, intituled, *An Act supplementary to an Act, intituled, An Act for Encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen; also, another Act, intituled, an Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also, an Act supplementary to the two foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of and maintaining White Women Servants; and preserving and increasing the Number of White Inhabitants of this Island, dated the first Day of June, one thousand seven hundred and sixty-seven, expired at the Meeting of the Council and Assembly of this Island, after the twenty-fifth Day of May last; We, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, That the said recited Act shall stand revived, and be and continue in force, from the Expiration of the above recited Act, for seven Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.*

Dated

ISLAND OF ANTIGUA.

429

14th Geo. III.

Nis. 357—359.

A. D. 1774.

Dated at *Antigua*, the thirtieth Day of *July*, one thousand seven hundred and seventy-four, and in the fourteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

THOMAS WARNER, *Speaker*.

Passed the Assembly, the twenty-eighth Day of *July*, one thousand seven hundred and seventy-four.

Passed the Council, the twenty-eighth Day of *July*, one thousand seven hundred and seventy-four.

By Command,

ROBERT DUNCAN,
Clerk to the Assembly, pro tempore.

JOHN WILKINS,
Deputy Secretary.

Passed the Governor in Chief, this thirtieth Day of *July*, one thousand seven hundred and seventy-four.

RALPH (L. S.) PAYNE.

ANTIGUA. Published the eleventh Day of *August*, one thousand seven hundred and seventy-four.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

An Act raising a Tax for paying Public Debts and Charges ; No. 358.
and particularly applying the said Tax. EXPIRED.

Dated 13th *August*, 1774.

An Act to alter and amend an Act, intituled, An Act for No. 359.
lending the Sum of five hundred and sixty-six OBSOLETE.
Pounds, nineteen Shillings, and nine Pence, out
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14th GEO. III.

Nis. 359—362.

A. D. 1774.

of the Public Treasury of this Island, to the Inhabitants of *Long Street* and *Church Street*, and such Parts of the Cross Streets and Lanes as run through the same, in the Town of *St. John*; and for securing the Repayment thereof.

Dated 20th *September*, 1774.

No. 360. *An Act for reviving and continuing an Act, intituled, An*
EXPIRED. *Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same.*

Dated 6th *January*, 1775.

No. 361. *An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants, in the second Battalion of His Majesty's Sixtieth Regiment, now posted in this Island; and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.*

Dated 6th *January*, 1775.

No. 362. *An Act for reviving, continuing, and amending an Act,*
EXPIRED. *intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice;*

15th Geo. III.

Nis. 362—366.

A. D. 1775.

Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

Dated 27th February, 1775.

An Act *to revive and continue an Act, intituled, An Act for the further Prevention of Damages to the Harbours; and for appointing Harbour-masters; and also one other Act to amend an Act, intituled, An Act for the further Prevention of Damages to the Harbours; and for appointing Harbour-masters.* No. 363.
EXPIRED.

Dated 30th March, 1775.

An Act *to revive and continue an Act, intituled, An Act for regulating the Fees of sworn Pilots.* No. 364.
EXPIRED.

Dated 30th March, 1775.

An Act *for the Ease and Relief of several insolvent Debtors confined in the Common Jail, the sixth Day of April, in the present Year of our Lord one thousand seven hundred and seventy-five.* No. 365.
OBSOLETE.

Dated 27th May, 1775.

An Act *raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax.* No. 366.
EXPIRED.

Dated 16th September, 1775.

- No. 367. *An Act for reviving, and further continuing an Act, intituled, An Act for laying a Duty of Powder, on all Vessels trading to and from this Island, for the Protection of the Trade of the same.*
EXPIRED.

Dated 13th November, 1775.

- No. 368. *An Act to revive and continue an Act, intituled, An Act to regulate the Guage of Madeira Wine and Wines of the Growth of the Western Islands.*
EXPIRED.

Dated 22d December, 1775.

- No. 369. *An Act to revive and continue an Act, intituled, An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors.*
SUPERSEDED
by later Act of
Continuation.
See original
Act, No. 314.

No. 314.

No. 341.

WHEREAS an Act, intituled, *An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called, and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors*, bearing Date the fifteenth Day of May, one thousand seven hundred and sixty-nine; and since continued by one other Act, dated the eleventh Day of June, one thousand seven hundred and seventy-two; and the same, with the last Act for continuing thereof, did expire at the Meeting of the Council and Assembly of this Island, after the eleventh Day of June last; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands* in *America*, for the time being, and the Council and Assembly of
this

ISLAND OF ANTIGUA.

433

16th GEO. III.

Nis. 369, 370.

A. D. 1775.

this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said hereinbefore recited Act shall stand revived, and be and continue in force for three Years from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Saint Christopher's*, the twenty-second Day of *December*, one thousand seven hundred and seventy-five, and in the sixteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

GEORGE LEONARD, *Speaker pro tempore*.

Passed the Council, the seventh
Day of *December*, one thou-
sand seven hundred and
seventy-five.

Passed the Assembly, the seventh
Day of *December*, one thou-
sand seven hundred and seven-
ty-five.

By Command,

GEORGE WILLIAM JORDAN,
Deputy Secretary.

ROBERT DUNCAN,
Clerk to Assembly, pro tempore.

Passed the Commander in Chief, the twenty-second Day of *December*, one thousand seven hundred and fifty-five.

CRAISTER (L. S.) GREATHEED.

Published this second Day of *January*, one thousand seven hundred and seventy-six.

SAMUEL H. WARNER, *Dep. Pro. Marshal*.

An Act for reviving and continuing an Act, intituled, An Act for the Assize of Bread. No. 370.
EXPIRED.

Dated 22d *December*, 1775.

An

16th GEO. III.

Nis. 371—375.

A. D. 1775.

- No. 371. *An Act to revive and continue* An Act for the better regulating of small Vessels and preventing Escape of Debtors from this Island.

SUPERSEDED
by the original
Act, No. 351,
being made
perpetual.

Dated 22d December, 1775.

- No. 372. *An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further regulating of the said Militia.*

EXPIRED.

Dated 23d March, 1776.

- No. 373. *An Act for reviving, and further continuing an Act, intituled, An Act for preventing Abuses in carrying on the Inland Trade of this Island; regulating the Hire and Manumission of Slaves; and for advertising Runaways committed to Jail.*

EXPIRED.

Dated 20th April, 1776.

- No. 374. *An Act for the better amending and cleaning, and keeping in Repair the several Streets and Lanes in the Town of Saint John.*

EXPIRED.

Dated 24th July, 1776.

- No. 375. *An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants in the second Battalion of His Majesty's Sixtieth Regiment, now posted in this Island, and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.*

EXPIRED.

Dated 30th July, 1776.

16th GEO. III.

Nis. 376—378.

A. D. 1776.

An Act to abrogate, alter, and repeal the fifth, sixth, and seventh Clauses of an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and more effectual Support of Credit; dated at Antigua, the twenty-seventh Day of February, one thousand seven hundred and seventy-five, and in the fifteenth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

No. 376.
EXPIRED.

Dated 26th September, 1776.

An Act for the Regulation of His Majesty's Forts and Fortifications in this Island; and for the better Government and Payment of the Gunners and Matrosses employed thereon.

No. 377.
EXPIRED.

Dated 18th February, 1777.

An Act for providing an additional Support, and convenient Habitation for the Reception and Residence of his Excellency William Mathew Burt, Esquire, during his actual Residence within his Government of these His Majesty's

No. 378.
EXPIRED.

Majesty's Leeward Caribbee Islands; and for appointing particular Funds for the Payment thereof.

Dated 1st May, 1777.

No. 379. *An Act for paying an additional Subsistence to all of, and under the Rank of Lieutenants, in the second Battalion of His Majesty's Sixtieth Regiment, now posted in this Island; and appropriating a Fund for the same; and for the Encouragement and Support of disabled Soldiers.*

EXPIRED.

Dated 18th June, 1777.

No. 380. *An Act raising a Tax for paying Public Debts and Charges, and particularly applying the same.*

EXPIRED.

Dated 16th August, 1777.

No. 381. *An Act to alter and amend an Act, intituled, An Act for cleansing and amending the Highways in this Island; and to repeal an Act for cleaning and enlarging Common-paths and Highways within this Island; and for Building a Stone Bridge over Thibou's Creek in this Island; and for purchasing Land to make a Road thereto.*

PREAMBLE.

WHEREAS by an Act of this Island, intituled, *An Act for cleaning and amending the Highways of this Island; and to repeal an Act for cleaning and enlarging Common-paths and Highways within this Island*, dated the eleventh Day of August, in the Year of our Lord one thousand

No. 180.

seven

17th GEO. III.

No. 381.

A. D. 1777.

seven hundred and twenty-four, and in the eleventh Year of the Reign of His late Majesty King *George* the Second, it is, with other Things, thereby enacted, That where it shall be thought necessary by the Waywardens, or any two of them, in their Division, to build a Bridge, or repair one already built, for necessary Passage over any Gut or hollow Way, they the said Waywardens, or any two of them, are thereby empowered and authorized, to agree with and employ any Workmen, to build such Bridge, of Timber only where a Stone or Brick Bridge cannot be built for the Sum of forty Pounds, and where a small Bridge may be built of Brick or Stone for the Sum of forty Pounds, to build the same of Brick or Stone: And whereas, after many fruitless Attempts and great Expense, it is found, that no Bridge built of Timber, can be made sufficiently strong, to withstand the Force of the Water after heavy Rains, in the Gut or Creek, in this Island, which divides the Division of *Saint John* from New Division, and is commonly known by the Name of *Thibou's* Creek; but that such Bridges, being built in Conformity with, and in Obedience to the above recited Act, have, in a short Space of Time, been entirely destroyed, and during the Times of there being no Bridge over the said Creek, several of the White Inhabitants, and some Slaves, have lost their Lives, in attempting to cross the same: And whereas a Brick or Stone Bridge, sufficient for making a safe, commodious, and durable Passage for foot Passengers, Horses, Carts, and other Carriages, over the said Creek, cannot possibly be built for the Sum of forty Pounds; We, therefore, Your Majesty's loyal and obedient Subjects, the Captain-general and Governor in Chief in and over Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, do most humbly pray Your Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained, by the Authority of the same, That there shall with all convenient Speed, be erected and built, at the Public Expense of this Island, a substantial, safe, and commodious Stone Bridge over *Thibou's* Creek, in this Island, at such particular Part of the said Creek, and in such Manner, as the Commissioners hereafter appointed for that Purpose, or the Majority of them, as hereby directed, shall think most for the Benefit and Safety of the Inhabitants; any Thing in the above recited Act to the contrary in any wise notwithstanding.

II. And for the better carrying this Act into Execution, be it enacted and ordained by the Authority aforesaid, That, immediately after this Law shall be in force, five Commissioners shall be appointed

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for

ACT.
Stone Bridge
to be built at
Thibou's
Creek, under
Commissi-
oners named
in S. 3.

Five Commis-
sioners (two,
from Council;
three, from
Assembly) to
be appointed.

for that Purpose, two whereof shall be Members of the Council of this Island, and the other three, Members of the Assembly of the same; which Commissioners shall be from time to time, so long as they may be necessary, kept up and appointed, when any Vacancies in those first, or afterwards appointed may happen, by Death, Absence, or otherwise; and a Majority of such Commissioners shall and are hereby empowered to act, in all Matters relative to this Law, when the same is thereby required; and the Acts and Deeds of such Majority, shall be as effectual as if all the said Commissioners had done the same: Provided always that, in such Majority, there shall not ever be less, than one of the Members of the said Council, and two of the Members of the said Assembly.

Five Commis-
sioners named.

III. And whereas the Honourable *Francis Tarley* and *John Gray*, Esquires, Members of His Majesty's Council for this Island; *Baptist Looby*, *George Leonard*, and *Thomas Jarvis*, the younger, Esquires, Members of the present Assembly of the said Island, on the second Day of *May*, in the Year of our Lord one thousand seven hundred and seventy-six; were, by the said Council and Assembly, respectively appointed Commissioners, to treat with *Walter Thibou*, Esquire, for such Parts of his Lands adjoining to the said Creek, as might be by the said Commissioners thought requisite, to make a Road, leading to the Bridge to be built as aforesaid, in case an Alteration of the present Road should be necessary, for building the said intended Bridge not over that Part of the said Creek, where the former Bridges were built: the Substance of which Treaty, with other their Proceedings, the said Commissioners were ordered to report to the said Council and Assembly, at their Meeting next after the said second Day of *May*, one thousand seven hundred and seventy-six: And whereas, at a Meeting of the said Council and Assembly, on the fifteenth Day of *August*, in the said Year of our Lord one thousand seven hundred and seventy-six, the said Commissioners did report it as their Opinion, that it will be right to build the said intended Bridge, not over that Part of the said Creek where the former Bridges were built, but over another Part thereof; and, alter the present Road leading thereto; and that for so doing, it will be necessary to purchase a small Part of Mr. *Thibou's* Lands; and that in consequence thereof, they the said Commissioners, pursuant to the Orders of both Houses, had entered into a Treaty with the said *Walter Thibou*, for the said Lands; and that he is willing to dispose of the same, at the Rate of one hundred and twenty Pounds, current Gold and Silver Money, *per Acre*; which Report the said Council and

17th GEO. III.

No. 381.

A. D. 1777.

and Assembly were pleased to approve and confirm, and further to order the said Commissioners to have the Quantity of Land, necessary for the Purpose aforesaid, precisely ascertained, and to make a Report of the same to the said Houses: And whereas, at another Meeting of the said Council and Assembly, on the third Day of *October*, in the said Year of our Lord one thousand seven hundred and seventy-six, the said Commissioners did make their Report thereon, and did produce a Plan of the Lands wanted for the new Road as aforesaid; whereby it appeared that one Acre and twenty Perches of Land ought to be purchased for that Purpose; which Report the said Council and Assembly were also pleased to approve and confirm, and to agree that the said one Acre and twenty Perches of Land, should be purchased from the said *Walter Thibou*, at the Rate of one hundred and twenty Pounds, Gold and Silver current Money as aforesaid, for the Purpose of making a new Road to the said intended Bridge; be it, therefore, and it is hereby enacted and ordained by the Authority aforesaid, That the Commissioners herein after appointed, shall be, and hereby are fully authorized and empowered, to compleat the Purchase of the said one Acre and twenty Perches of Land, from the said *Walter Thibou*, at the Rate aforesaid, and to pay for the same, out of the Public Treasury of this Island, in Manner and Form as herein after directed: And which said one Acre and twenty Perches of Land, when purchased as aforesaid, shall then and for ever after belong to His Majesty, His Heirs and Successors, as and for a Public Road or Highway, and for no other Use or Purpose whatever. And be it enacted and ordained by the Authority aforesaid, that as soon as the Purchase, of the Lands aforesaid, shall be fully compleated and made, with the said *Walter Thibou*, the said Commissioners, or the Majority of them, shall be, and are hereby empowered, to draw on the Treasurer of this Island for the time being, or his Deputy for the time being, by an Order in Writing, for the Sum of one hundred and thirty-five Pounds, being the Value of the said Acre and twenty Perches of Land, at the Rate of one hundred and twenty Pounds, current Gold and Silver Money, *per* Acre, as aforesaid: And the said Treasurer, or his Deputy, is hereby authorized and required to pay the same, out of the Monies that may then, or afterwards be raised for the said Purpose; and such Order, signed by the said Commissioners, or the Majority of them, with a Receipt thereon, shall be a sufficient Voucher to the said Treasurer, or his said Deputy, in passing their Public Accounts for the Sum therein specified.

Power to Commissioners to purchase Land (one Acre and twenty Perches) from *Walter Thibou*, to make Road:

And to draw on Treasurer for Purchase-Money.

Commissioners to advertise for Proposals to supply Materials and Workmen for Bridge;

and, if Proposals be approved by Legislature, to sign Contracts; and draw on Treasurer for Expenses.

Bridge to be under the care of Waywardens of *St. John's* and New Division; and repaired as Bridges under No. 180.

Waywardens may clean Gut or Creek having a Bridge thereon, for 100 Yards on each Side of Bridge;

IV. And be it enacted and ordained by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall, as soon as may be, issue Advertisements in the Public News-papers, requiring all Persons who may be willing to treat, for supplying the necessary Materials for building the said Bridge, and for transporting the same, either by Land or Water Carriage, to the Place where the said Bridge is to be built, and with Labourers and Workmen for building the said Bridge, to send in their Proposals, in Writing, to the said Commissioners; and which Proposals, when received by the said Commissioners, shall be by them reported to both Houses for their Approbation: And the said Commissioners, or the Majority of them, when authorized by both Houses to contract with any Person or Persons whose Proposals may be approved or accepted of by the said Houses, are to contract accordingly; and from time to time shall be, and are hereby empowered, to draw on the Treasurer of this Island for the time being, or his Deputy, for such Sum or Sums of Money, as may be necessary to pay for all such Materials, Work, and Labour; and the said Treasurer, or his Deputy, is hereby authorized and required to pay the same, out of the Monies that may then or afterwards be in the Public Treasury of this Island; and such Orders, signed by the said Commissioners or the Majority of them, with a Receipt or Receipts thereon, shall be sufficient Vouchers to the said Treasurer or his Deputy, in passing their public Accounts, for the Sum or Sums therein specified.

V. And be it enacted and ordained by the Authority aforesaid, That the said Stone Bridge, when finished, shall be under the Care of the Waywardens for the time being, of the Division of *Saint John* and of New Division; and shall be kept in Repair and good Order, in the same Manner as other Bridges in this Island, are, by the above recited Act, directed to be kept and repaired; and all Neglects in the said Waywardens, touching the said Bridge, shall be prosecuted and punished, as for the same Offences, in the Cases of the said other Bridges.

VI. And for the better Preservation of the said Stone Bridge, and all other Bridges within this Island, be it further enacted and ordained by the Authority aforesaid, That, from the Time that this Law shall be in force, the Waywardens for the time being of the several Divisions in this Island, shall, and are hereby empowered, whenever they shall think it necessary, to cleanse all Guts or Creeks having a Bridge or Bridges thereon, for the Space of one hundred Yards on each Side of such Bridges; and to remove thereout all Dirt

or

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or Rubbish, or other Matter within that Space, which may tend to stop the Current of Water, and throw the same on the Banks, on each Side of the said Guts or Creeks; and the Form and Manner of summoning the Inhabitants, to send their Slaves to cleanse the said Guts and Creeks aforesaid, shall be the same to all Intents and Purposes, as are, by the above recited Act, ordered and directed for mending and repairing the Highways. And all Waywardens who shall neglect the Duty hereby required of them, shall be prosecuted and punished, as by the said Law they are directed to be prosecuted and punished, for neglect of Duty in suffering the Highways to be unrepaired or uncleansed.

and remove
Dirt, throw-
ing it on the
Banks.

Summons for
cleaning Guts
and Creeks,
same as for
Highways,
No. 180, S. 6.
7. 8.

Penalty on
negligent
Waywardens
as in No. 180,
S. 23.

Dated at *Antigua*, the twentieth Day of *September*, in the Year of our Lord one thousand seven hundred and seventy-seven, and in the seventeenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the seven-
teenth Day of *July*, one
thousand seven hundred and
seventy-seven.

Passed the Council, the eigh-
teenth Day of *September*,
one thousand seven hun-
dred and seventy-seven.

By Command,

JOHN HARDCASTLE,
Clerk to the Assembly, pro tempore.

GEORGE WILLIAM JORDAN,
Deputy Secretary.

Passed the Commander in Chief this twentieth Day of *September*, one thousand seven hundred and seventy-seven.

WILLIAM MATHEW (L. S.) BURT.

Published the twenty-second Day of *September*, one thousand seven hundred and seventy-seven.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

An

No. 382. *An Act for amending, reviving, and further continuing an Act, intituled, An Act for laying a Duty of Powder, on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.*

Act of 26th June, 1802, (No. 566) which revives original Act of 20th July, 1773, (No. 348) suffers this to expire.

WHEREAS an Act, intituled, *an Act for laying a Duty of Powder, on all Vessels trading to and from this Island, for the Protection of the Trade of the same*, dated the twentieth Day of July, one thousand seven hundred and seventy-three, and since continued by two other Acts, dated the sixth Day of January, one thousand seven hundred and seventy-five, and the thirteenth Day of November, one thousand seven hundred and seventy-five; which last mentioned Act expired on the twentieth Day of July, one thousand seven hundred and seventy-six; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Day of the Publication of this Act, every Master or Commander of any Ship or Vessel, trading to or from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver that is or shall be appointed for that Purpose, one Pound of Powder (one half of which shall be paid in common Powder, and the other half in Pistol Powder) for each Ton, according to the Register of such Ship or Vessel.

II. Provided always, that Nothing in this Act shall extend, or be construed to extend, to compel any Ship or Vessel, which shall trade to this Island, from any other of His Majesty's Islands, from *Barbadoes* down to *Jamaica* inclusively, and also including the *Southern ceded Islands*; or, from any Port or Place of *North America*; to pay more than one half a Pound of Powder for each Ton, according to the Register of such Ship or Vessel; and such Ship or Vessel is hereby permitted, to pay in lieu of the other half Pound of Powder, for each Ton, at the Rate of sixteen Pence, of current Gold and Silver Money of *Antigua*, for each Pound which shall be so commuted: And provided that such Part which such Master or Commander shall pay in Specie, be paid one half thereof in Pistol, and the

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the other half thereof in Cannon Powder ; any Matter, Clause, or Thing, herein contained to the contrary, in any wise notwithstanding.

III. And every Matter, Clause, and Thing, comprised and mentioned in the said recited Act, and not hereby altered and amended, shall stand revived, and be and continue in force, from the said twentieth Day of *July*, in the Year of our Lord one thousand seven hundred and seventy-six, until the Publication of this Act.

IV. And whereas, since the Expiration of the said last mentioned Act, dated the thirteenth Day of *November*, one thousand seven hundred and seventy-five, the Collector, acting and appointed under that, or the aforesaid foregoing Acts, hath continued to demand and collect the Duties of Powder, laid and imposed by the said Acts, in the Manner and Form therein particularly directed and appointed, under an Apprehension that the said Act would be earlier revived, as it hath been customary heretofore so to do : And whereas the collecting and receiving the said Duties of Powder hath been of great Benefit and Advantage to this Island, by furnishing our Magazines, with that Supply, which could not, in these Times of Disturbance, be dispensed with ; for quieting therefore the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies that might, otherwise, happen or arise, by Means of such Collection of the said Duties, and by Means of the Omission in not earlier reviving the said Acts, or of passing some other Law to the Tenor and Effect of this Act ; be it enacted and ordained by the Authority aforesaid, That the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatever, and of, from, and against all Bills, Complaints, Actions, Informations, or Suits whatsoever, which might be brought, filed, had, or maintained against him or them, by any Person or Persons whomsoever, for any Act, Matter, or Thing, done and performed by him the said Collector, or by any other Person or Persons, acting in the said Collection under him, and agreeable to the Directions of the said former Acts, from the said twentieth Day of *July*, one thousand seven hundred and seventy-six, to the Day of the Publication of this Act ; and the said Person and Persons, against whom any such Bill, Complaint, Information, or Action shall be so brought, may plead the General Issue, and give this Act in Evidence.

Clause of Indemnity to Collector.

V.

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Nis. 382, 383.

A. D. 1777.

V. And be it, and it is hereby enacted by the Authority aforesaid, That this Act shall continue in force for one Year, next after the Day of the Publication thereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the fourth Day of *October*, in the Year of our Lord one thousand seven hundred and seventy-seven, and in the seventeenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly the eighteenth Day of *September*, one thousand seven hundred and seventy-seven.

Passed the Council the second Day of *October*, one thousand seven hundred and seventy-seven.

By Command,

JOHN HARDCASTLE,
Clerk to the Assembly, pro tempore.

GEORGE WILLIAM JORDAN,
Deputy Secretary.

Passed the Commander in Chief this fourth Day of *October*, one thousand seven hundred and seventy-seven.

WILLIAM MATHEW (L. S.) BURT.

Published the seventh Day of *October*, one thousand seven hundred and seventy-seven.

SAMUEL H. WARNER, *Dep. Pro. Marshal.*

No. 383. *An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail; and applying the same.*
EXPIRED.

Dated 7th November, 1777.

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18th GEO. III.

Nis. 384—387.

A. D. 1778.

An Act for regulating the Fees of sworn Pilots.

No. 384.
EXPIRED.

Dated 11th February, 1778.

An Act to revive, continue, and amend an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and more effectual Support of Credit; and also for indemnifying the several Persons who may have acted, in conformity to the said Act, since the Expiration of the same.

No. 385.
EXPIRED.

Dated 23d March, 1778.

An Act to alter and amend the fourth Clause of an Act, intituled, An Act to alter and amend an Act, intituled, An Act, for regulating the Militia of this Island; and for the further Regulation of the said Militia.

No. 386.
EXPIRED.

Dated 28th April, 1778.

An Act for reviving and continuing an Act, intituled, An Act for the Assize of Bread.

No. 387.
EXPIRED.

Dated 30th September, 1778.

18th GEO. III.

Nis. 388 — 390.

A. D. 1778.

- No. 388. *An Act to revive and continue an Act, intituled, An Act to regulate the Guage of Madeira Wine, and Wines of the Growth of the Western Islands.*
EXPIRED.

Dated 30th September, 1778.

- No. 389. *An Act raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax.*
EXPIRED.

Dated 12th October, 1778.

- No. 390. *An Act to alter and amend the thirty-second and thirty-third Clauses of an Act of this Island, intituled, An Act for attainting several Slaves now run-away from their Masters' Service, and for the better Government of Slaves; and for regulating the Duty of the Militia during the Christmas Holidays.*

PREAMBLE.

No. 176.

WHEREAS by the thirty-second and thirty-third Clauses of an Act, intituled, *An Act for attainting several Slaves now run-away from their Masters' Service; and for the better Government of Slaves*, dated at the Town of Saint John, the ninth Day of December, in the Year of our Lord one thousand seven hundred and twenty-three, and in the tenth Year of the Reign of our late Sovereign Lord George the First, it is enacted, That all Owners, Masters, Managers, and Renters of Slaves, within this Island, shall allow to their Slaves (except those necessary about their Houses) Christmas Day, and the two next Days following, as Play-days for their Recreation, and no more, or other Days during the twelve Christmas Holidays: and if any Person, Master, Owner, or Renter, or Manager of any Plantation, do not allow their Slaves, the same Days as before mentioned, for their Recreation, and as Holidays, or shall allow any other or more Days in the Christmas Holidays, the Person or Persons offending shall each forfeit the Sum of twenty Pounds, current Money of this Island: and that the Commanding Officer of the Troop of Carbineers, and the Commanding Officer of each Regiment of Foot, are each,

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No. 390.

A. D. 1778.

each, respectively, required, to summon all Persons under their particular Commands, to ride the Rounds, on every Christmas Day and the two Days next following, from eight of the Clock every Morning, until ten of the Clock every Evening of the same last mentioned Days; and every Person who rides the Rounds, shall, once a Day, when he is on the Rounds, rendezvous at the Chief Commander's House of the Division; and no Person shall be compellable to ride out of the Division where he lives; and every Officer of the Militia, neglecting his Duty therein, shall forfeit ten Pounds, current Money of this Island; and every other Person, duly summoned and neglecting, shall forfeit five Pounds, like Money: And whereas, from the Alterations of Times and Circumstances since the Date of the said Act, the Orders and Directions of the said two recited Clauses are become improper, and have been for some Time past so slightly and irregularly complied with, that the good Effects intended by the Military Duty thereby enjoined and prescribed, would have been, in all probability, entirely frustrated and lost, had any Event happened by which the Men on Duty had been called into actual Service: And whereas it is absolutely necessary and proper, that the Indulgence of Holidays given to our Slaves, for their Recreation and Relaxation at Christmas, should be continued; and that a strict Watch should be kept over the Conduct of the said Slaves during that Period, to prevent the Mischiefs that might ensue, from their being then unusually idle and dissipated; We, therefore, Your Majesty's dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, pray Your Most Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That during the Continuance of this Act, all Owners, Renters, or Possessors of Slaves, within this Island, or the Islands adjacent and thereunto belonging, shall allow all their Slaves, (except as hereinafter excepted,) as Holidays for their Recreation and Relaxation from their Work, the whole Time from Sun-set on Christmas Eve to Sun-rise of the twenty-eighth Day of *December*, in each Year, and no more, nor any other Days in the twelve Christmas Days Holidays; and every Owner, Renter, or Possessor of Slaves, as aforesaid, who shall not allow each and all of their said Slaves, (except as hereinafter excepted,) the whole Time aforesaid, on being thereof convicted, before any one of His Majesty's Justices of the Peace of this Island, by the Oath of one or

ACT.
Owners, &c.
to allow Slaves
(except those
domestically
employed,) whole Time
from Sun-set
24th Dec. to
Sun-rise 28th
Dec. as Christmas
Holidays.

Convicted before Justice,
on Oath of
White

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White Witness, of not allowing same, to forfeit 100%. leviable by Distress; if no Distress, to be imprisoned till Payment.

Fine, half to Informer; half to Treasury for Fortifications.

Slaves employed about Owners' Houses or Persons, not to take Holidays without Permission; nor within Act.

During such Holidays to Slaves, Martial Law to be in force.

Military Duty by Corps named.

Agreeable to Act of 30th March, 1793, (No. 485,) S. 1. 36.

See No. 485, S. 45. 51. 52. 53 54.

Civil Officers described, exempted from Duty during such Holidays.

more credible White Witness, shall, for the said Offence, be, by the said Justice, fined the Sum of one hundred Pounds, Gold and Silver, current Money; and if such Offender shall not immediately pay such Penalty, the same shall be levied by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal of such Justice, directed to any Constable; rendering the Overplus (if any) on Demand, after deducting the Charges of such Distress and Sale, to such Offender upon whom such Distress shall have been made as aforesaid; and for want of sufficient Distress such Justice shall commit such Offender to the Common Jail, there to remain until the said Fine is paid, one half whereof shall go and be paid to the Person who shall make Information of the said Offence, and the other half shall be paid into the Treasury of this Island, and applied to the keeping in repair His Majesty's Forts and Fortifications therein: Provided always, that the Slaves employed by their Owners, Renters, or Possessors, *about their Houses or Person*, shall not be allowed the Holidays above mentioned, without the Consent and Permission of their said Owners, Renters, or Possessors, nor shall such Slaves be deemed, or taken to be within the Meaning or Intention of this Act.

II. And be it enacted and ordained by the Authority aforesaid, That during the Time given as aforesaid to the Slaves, as Holidays, the Martial Law of this Island shall be in force; and that Military Duty shall be executed by the several Corps of Militia of this Island (*viz.*) The Squadron of Dragoons, the Red and Blue Regiments of Foot Militia, the Independent Company, and the Train of Artillery, in such Manner, and under such Orders and Regulations, as shall be, from time to time, made and appointed by a Council of Officers, consisting of the Captain General, or, in his Absence, the Person presiding in Chief Command in this Island, with the Field Officers and Captains of all the Corps of Militia, and the Colonel of the Forts and Fortifications; and every Man who shall refuse or neglect to pay due Obedience to the said Orders and Regulations, shall be tried by a Court-martial, agreeable to the Directions of the Militia Law of this Island now in force, and shall be fined, or imprisoned, for such Refusal or Neglect, as the said Court shall determine: Provided always, that the Secretary, Provost Marshal, Treasurer, Powder-officer, and Register of Deeds of this Island, and the Collectors, Comptrollers, Searchers, and Waiters of His Majesty's Customs, not being Commissioned Officers in the said Militia, shall be, and are hereby exempted from doing any Military Duty whatever during the said Holidays: Provided always

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always, and it is the Intent and Meaning of this Act, that the said Martial Law being in force, shall be construed and taken to be only in force, over those who are on Military Duty as aforesaid, during the Time they shall continue thereon, and no longer, nor shall the Course of the Civil Law be any Way stopped or impeded, nor shall any Person whatever be protected or exempted therefrom, except only those on Duty as aforesaid, each of whom, during the Time he shall be going to do Duty as aforesaid, or shall be thereon, or coming therefrom, shall not be liable or subject to have his Body taken, or his Slave attending him, or his Horse, Furniture or Accoutrements levied upon, by Virtue of any Process or Writ issuing in any Civil Action or Suit in any Court whatsoever.

Martial Law
to be in force
only over those
on actual Du-
ty;

who are free
from Arrest,
&c.

III. And be it enacted and ordained, That when it so happens that Christmas Eve falls on Sunday, the said Martial Law and Military Duty shall commence and be executed as above directed, from Sun-set on the twenty-third Day of *December*; and when it so happens, that the twenty-eighth Day of *December* falls on a Sunday, the said Martial Law and Military Duty, shall continue and be executed, as above directed, until Sun-rise on the twenty-ninth of the said *December*.

When 24th or
28th *Dec.* falls
on Sunday,
Martial Law
to begin or
end Day
sooner or
later.

IV. And be it enacted and ordained by the Authority aforesaid, That if the Council of Officers as aforesaid, shall order any standing Guard, or Guards, to be mounted and kept in any of the Towns of this Island, a proper House, or Houses, shall be hired at the Public Expence, by the Treasurer of this Island for the time being, to serve as a Guard-house, or Guard-houses, for the Reception of the Officers and Men on Duty; and the said Treasurer shall, and is hereby required to issue Candles, and such other Necessaries for the said Guards, as shall be ordered and directed by the Council of Officers as aforesaid, and to charge the Expences thereof in the Treasury Books; for which the Receipt of the Officer appointed to receive the same, shall be a sufficient Voucher to the said Treasurer in passing his Public Accounts.

If Council of
Officers order
Guard to be
mounted in
Towns,
Guard-house
to be hired,
and Candles
and Necessa-
ries issued by
Treasurer.

Officer's Re-
ceipt, Voucher
to Treasurer.

Dated at *St. Christopher's*, the thirtieth Day of *November*, in the Year of our Lord one thousand seven hundred and seventy-eight, and in the nineteenth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France,* and *Ireland*, King, Defender of the Faith, and so forth.

GEORGE LEONARD, *Speaker pro tempore.*

Passed

19th GEO. III.

Nis. 390, 391.

A. D. 1778.

Passed the Council the six-
teenth Day of *July*, one
thousand seven hundred
and seventy-eight.

Passed the Assembly the nine-
teenth Day of *November*, one
thousand seven hundred and
seventy-eight.

By Command,

GEORGE WILLIAM JORDAN,
Deputy Secretary.

EDWARD GAMBLE, JUN.
Clerk to the Assembly, pro tempore.

Passed the Governor in Chief, this thirtieth Day of *November*, one
thousand seven hundred and seventy-eight.

WILLIAM MATHEW (L.S.) BURT.

Published the eighth Day of *December*, one thousand seven hundred
and seventy-eight.

JOHN ROSE, *Deputy Provost Marshal.*

No. 391. **An Act** for extending to this Island, a certain Act of Par-
liament made at Westminster, the twenty-fourth Year
of the Reign of our late Sovereign Lord King George
the Second, intituled, An Act for rendering Justices
of the Peace more safe in the Execution of their
Office; and for indemnifying Constables, and
others, acting in Obedience to their Warrants;
and for enabling Justices of the Peace, to award
Fees to Constables for executing their Processes.

Dated 5th *December*, 1778.

19th GEO. III.

Nis. 392 — 394.

A. D. 1779.

An Act *to continue an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia.* No. 392.
EXPIRED.

Dated 15th March, 1779.

An Act *to revive and continue An Act for the better regulating of small Vessels, and preventing Escape of Debtors from this Island.* No. 393.
SUPERSEDED by later Act, making No. 351 perpetual.

Dated 10th April, 1779.

An Act *to revive and continue an Act, intituled, An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors.* No. 394.
SUPERSEDED by later Act of Continuation. See original Act, No. 314.

WHEREAS an Act, intituled, *An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors;* bearing Date the fifteenth Day of May, one thousand seven hundred and sixty-nine, and since continued by one other Act, dated the eleventh Day of June, one thousand seven hundred and seventy-two, and since continued by another Act, dated the twenty-second Day of December, in the Year of our Lord one thousand seven hundred and seventy-five; and the same, with the last Act for continuing thereof, did expire at the Meeting of the Council and Assembly of this Island, after the twenty-second Day of December last;
We,

19th GEO. III.

No. 394.

A. D. 1779.

We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said herein before recited Act shall stand revived, and be and continue in force, for three Years from the Date hereof, and, from thence to the next Meeting of the Council and Assembly of this Island.

Dated at *Saint Christopher's*, the tenth Day of *April*, one thousand seven hundred and seventy-nine, and in the nineteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly the eighth
Day of *April*, one thousand
seven hundred and seventy-
nine.

Passed the Council the eighth
Day of *April*, one thousand
seven hundred and seventy-
nine.

EDWARD GAMBLE, JUN.
Clerk to the Assembly, pro tempore.

By Command,
GEORGE WILLIAM JORDAN,
Deputy Secretary.

Passed the Governor in Chief this tenth Day of *April*, one thousand seven hundred and seventy-nine.

WILLIAM MATHEW (L. S.) BURT.

Published the twentieth Day of *April*, one thousand seven hundred and seventy-nine.

JOHN ROSE, *Deputy Provost Marshal.*

19th GEO. III.

No. 395.

A. D. 1779.

An Act for amending, reviving, and further continuing an Act, intituled, An Act for laying a Duty of Powder, on all Vessels trading to and from this Island, and for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.

No. 395.

*Act of 26th
June 1802,
(No. 566,) which revives
original Act
of 20th July,
1773, (No.
348,) suffers
this to expire.*

WHEREAS an Act, intituled, *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same*, dated the twentieth Day of July, one thousand seven hundred and seventy-three, and since continued by three other Acts, dated the sixth Day of January, one thousand seven hundred and seventy-five; and the thirteenth Day of November, one thousand seven hundred and seventy-five; and the fourth Day of October, one thousand seven hundred and seventy-seven; which last mentioned Act expired on the seventh Day of October, one thousand seven hundred and seventy-eight; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Day of the Publication of this Act, every Master or Commander of any Ship or Vessel trading to or from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver, that is or shall be appointed for that Purpose, one Pound of Powder (one half of which shall be paid in Cannon Powder, and the other half in Pistol Powder) for each Ton, according to the Register of such Ship or Vessel.

II. And whereas, since the Expiration of the said last mentioned Act, dated the fourth Day of October, one thousand seven hundred and seventy-seven, the Collector acting and appointed under that, or the aforesaid foregoing Acts, hath continued to demand and collect the Duties of Powder, laid and imposed by the said Acts, in the Manner and Form heretofore particularly directed and appointed, under an Apprehension that the said Act, or Acts, would be earlier revived, as it hath been customary so to do: And whereas the collecting and receiving the said Duties of Powder hath been of great Benefit and Advantage to this Island, by furnishing our Magazines

19th GEO. III.

No. 395.

A. D. 1779.

Clause of In-
demnity to
Collectors.

with that Supply, which could not in the Times of Disturbance be dispensed with: For quieting therefore, the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies that might, otherwise, happen or arise by Means of such Collection of the said Duties, and by Means of the Omission in not earlier reviving the said Acts, or of passing some other Law to the Tenor and Effect of this Act, be it enacted and ordained by the Authority aforesaid, that the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified, freed and discharged, of, from and against all Penalties, Fines, Damages, and Recoveries whatever, and of, from, and against all Bills, Complaints, Actions, Informations, or Suits whatsoever, which might be brought, filed, had, or maintained, against him or them, by any Person or Persons whomsoever, for any Act, Matter, or Thing, done and performed by him the said Collector, or by any other Person or Persons acting in the said Collection under him, and agreeable to the Directions of the said former Acts, from the said seventh Day of *October*, one thousand seven hundred and seventy-eight, to the Day of the Publication of this Act; and the said Person and Persons against whom any such Bill, Complaint, Information, or Action, shall be so brought, may plead the General Issue, and give this Act in Evidence.

III. And be it, and it is hereby enacted by the Authority aforesaid, That this Act shall continue in force, for one Year next after the Day of the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *St. Christopher's*, the eleventh Day of *May*, one thousand seven hundred and seventy-nine, and in the nineteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the
sixth Day of *May*, one
thousand seven hundred
and seventy-nine.

(Passed the Council, the
sixth Day of *May*, one
thousand seven hundred
and seventy-nine.

By Command,

EDWARD GAMBLE, Jun.
Clerk to the Assembly, pro tempore.

GEORGE WILLIAM JORDAN,
Deputy Secretary.

19th GEO. III.

Nis. 395, 396.

A. D. 1779.

ST. CHRISTOPHER'S. Passed the Governor in Chief, this eleventh Day of *May*, one thousand seven hundred and seventy-nine.

WILLIAM MATHEW (L. S.) BURT.

Published the fifteenth Day of *May*, one thousand seven hundred and seventy-nine.

JOHN ROSE, *Deputy Provost Marshal.*

An Act for enabling Persons therein named, to borrow a No. 396.

Sum not exceeding twenty thousand Pounds, sterling Money of Great Britain, on the Public Credit of this Island, by Means of drawing Bills on the Lords Commissioners of His Majesty's Treasury, for the immediate purchasing of Provisions to be deposited in Public Granaries in the said Island, to be distributed amongst all the Owners or Possessors of Slaves within the same, in certain Proportions; and for raising and levying certain capitation Taxes on all the said Slaves, as a Fund for paying the Principal and Interest, and for supporting the accruing Expences; and for providing Payment eventually for all Damages, Costs, and Charges incident to drawing Bills of Exchange for the said Sum of Money; and for securing and indemnifying the Persons for drawing and endorsing the said Bills; and for reimbursing the Public thereon, by charging each Individual with the Proportion of Costs and Charges.

WHEREAS from a Series of Calamities which this Island hath PREAMBLE.
 unfortunately experienced, by repeated and excessive Droughts,
 during these Times of unhappy Commotions and Hostilities, so that
 3 N 2 the

19th GEO. III.

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the Fruits of our Soil have been withered and decayed, or untimely gathered for successive Crops, and the Importations of Grain have been inadequate to our usual Consumption, and the advanced Prices thereof are become insupportable, whereby the Credit of many Individuals is at this Time so reduced and destroyed, as to render them unable to purchase Food necessary for the Sustenance of their Slaves, at the present Prices and Terms of Payment, required by the few Importers of those Commodities: And whereas it is thought that the purchasing Provisions proper for Slaves, in large Quantities, for ready Money on the Public Account, and afterwards distributing the same, upon Credit for some Space of Time, will not only assist many of the Inhabitants otherwise unable to procure them, but will also be the Means of encouraging a more speedy and a larger Supply than might otherwise be imported into this Island, whereby so great an Evil as an impending Famine may be averted for the present, and warded-off until our Supplications shall reach the Throne, and happier Times be restored to this Island: And whereas, from our many Public Exigencies, and the Demands heretofore made on our Public Treasury, the same is much exhausted, and, from the Calamities aforesaid, cannot be recruited in any other ample Manner, for the Purposes aforesaid, than by the Means of obtaining Loans, under the unfavorable Circumstances of these discouraging Times and Turns of Trade; by Reason whereof this Island is now reduced to a Scarcity and Want of Provisions approaching to Famine,—and with the favorable Prospect of procuring an immediate Supply of Provisions for our present Relief, by Means of a Loan; We, therefore, Your Majesty's loyal and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the Commander in Chief of the *Leeward Caribbee* Islands, and the President of the Council, and the Speaker of the Assembly of this Island, for the time being, shall have Power and Authority to draw upon the Honourable the Lords Commissioners of His Majesty's Treasury, for the full Amount of twenty thousand Pounds, sterling Money of *Great Britain*, by several Sets of Bills of Exchange, each Set to consist of four Bills, and to be for the Sum of one hundred Pounds, sterling, and upwards, and made payable six Months after

ACT.
Authority to
Commander
in Chief, &c.
to draw Bills
on the Treas-
ury of *Great
Britain* to the
Amount of
20,000*l.* ster-
ling, &c.

ISLAND OF ANTIGUA.

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after Sight, to the Order of *Edward Byam*, Esquire, or the Treasurer for the time being, for the Purpose of the Treasurer indorsing the same; and when the same have been so indorsed, then a Committee of the Council and of the Assembly of this Island, hereinafter appointed, are hereby authorized and impowered, to sell and dispose of as many of the said Bills as they find necessary, for Gold and Silver current Money of this Island, for the greater Convenience of purchasing Provisions therewith, (which Money is to be deposited in the Hands of the Treasurer of this Island for the time being,) or to pass, in Payment for Provisions purchased, as many of the said Bills as are found necessary for such Purpose, at the current Exchange, and at Discount not more than four Month's Interest at six Pounds *per Centum per Annum*; the Bills to be drawn in the Form following:

To be negotiated for the Purchase of Provisions.

EXCHANGE for £.

sterling. Antigua

1779.

Form of Bills.

Six Months after Sight of this our first Bill of Exchange, our second, third, and fourth of the same Tenor and Date not being paid, we pray your Lordships to pay to the Order of Edward Byam, Esquire, or the Treasurer of this Island for the time being, the Sum of hundred Pounds, sterling, on Account and for the Use of the Public of this Island, of which you will be advised. We are, with the utmost Respect, your Lordship's most obedient and most humble Servants. To the Right Honourable the Lords Commissioners of His Majesty's Treasury, London.

II. Be it, and it is also further enacted by the Authority aforesaid, That for the better ascertaining what Sum and Sums of Money, might be received and deposited with the said Treasurer, each Member of the said Committee, to be hereafter appointed, shall alternately attend on every *Monday* morning, in every Week, during the Continuance of receiving and paying the said Monies, at the Office of the said Treasurer, for the taking an Account of what Sum and Sums of Money may be in his Hand, so lodged and deposited with him; and such Member shall be one of the Committee for transacting Business that Week.

Members of Committee to attend Weekly in turn on Treasurer, to take Account of Monies lodged with him.

III. And to the End that a sufficient Fund may be established and raised, for the Charges attending the purchasing Provisions, and receiving, storing, and delivering the same in Manner hereinafter mentioned, and for paying all Expenses on drawing and issuing the said Bills, and for supporting the Discount allowed on passing in Payment the said Bills, or for obtaining Gold and Silver Money for any

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Tax of one
Shilling im-
posed for each
Slave possess-
ed on 15th
July, 1779;
as a Fund to
support Dis-
count on Bills,
&c.

Process for
summoning
Inhabitants in
July, 1779,
1780, and
1781, to give
Account of
Slaves.

any Part thereof; and for indemnifying the said Drawers, and the said Indorsers, from all Costs, Damages, Suits, and Expences which may happen by Reason of their drawing and indorsing the said several Bills of Exchange; and that they may be enabled to execute the same, with Security to themselves; and for repaying, or securing a Repayment, on the Day and Times hereinafter limited and appointed, of the Principal and Interest of the said Money intended to be borrowed; We, Your Majesty's said Governor in Chief of Your said *Leeward Caribbee* Islands, and the Council and Assembly of Your said Island of *Antigua*, do give and grant unto Your Majesty, Your Heirs and Successors, and humbly pray Your Majesty, Your Heirs and Successors, to accept of, the several Sums of Money hereinafter enacted to be raised, levied, and to be applied to the several Uses, Intents, and Purposes hereinafter mentioned; and therefore humbly pray, that it may be further enacted and ordained; and be it, and it is hereby further enacted and ordained by the Authority aforesaid, That all and every Person and Persons whomsoever, having, or holding, or possessing any Slaves, or who shall have, or hold, or possess any Slaves, young or old, on the fifteenth Day of *July* next ensuing, within this Island, or any of the Islands thereto adjacent and belonging, in their own Right, or the Right of any other Person or Persons whomsoever, shall pay on the fifteenth Day of *August* next ensuing, the Sum of one Shilling, Currency, for each such Slave, which shall have been held or possessed by each such Person or Persons, on the said fifteenth Day of *July* last mentioned; which Payment shall be made into the Hands of the Treasurer of the Island, for the time being, in Gold and Silver Money, and to be deemed and taken as a Fund, in aid of the Fund hereinbefore raised, by drawing Bills of Exchange, for the Purposes of buying Provisions, and of paying Expenses on receiving, and storing, and delivering the same.

IV. And for the better taking the Accounts of the Number of Slaves aforesaid, be it, and it is hereby enacted by the Authority aforesaid, That some Time in the Month of *July*, in the said Year one thousand seven hundred and seventy-nine, and, eventually, in the Year one thousand seven hundred and eighty, or in the Year one thousand seven hundred and eighty-one, and at least ten Days before the said fifteenth Day of *July*, in each of the same Years, the said Treasurer shall apply by Letter, or otherwise, to one Justice of the Peace in each Division in this Island, and to one Justice of the Peace for *Saint John's Town* in this Island of *Antigua*, with a War-
rant

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A. D. 1779.

rant from each such Justice, ready drawn with Blanks for Day and Date, Time and Place for Appearance; and, for want of a Justice of the Peace in any such Division or Divisions, then to a Justice of the Peace of a neighbouring Division, who is to act in and for the Division where such Justice is wanting, respectively; to fill up, sign, seal, and issue out such Warrants, respectively, to the Constables or a Constable of each such Division and for the Town of *Saint John* aforesaid, to summon the Inhabitants of such Divisions and Town, respectively, to appear before such Justices, respectively, upon the fifteenth Day of *July*, if it be not *Sunday*, and, if it be *Sunday*, on the sixteenth Day of *July*, at such Time of Day and Place as such Justice shall appoint, in that Division, or in the Town of *Saint John*, for which such Account of Slaves is to be taken, before the Justice issuing such Warrant, or, in case of his Sickness or Absence, before any Justice of the Peace for *Antigua*, that then and there shall attend for that Purpose, to give an Account upon Oath, as herein after mentioned, of his, her, or their Slaves; and the said Justices, respectively, upon such Application, are to fill up, complete, and issue out such Warrant, to the respective Constable or Constables, at least five Days before and exclusive of the Day of Appearance; and shall attend to take the Account, if well, on the Day hereby appointed for that Purpose; and such Justice being indisposed and unable to attend, is to give Notice to any other Justice of that Division, or any neighbouring Division, to attend for him, who, upon such Notice, is to attend at the proper Time and Place, and to take the Account of Slaves; and every Person giving such Account shall take the following Oath, or, if a known Quaker, shall affirm as Law directs, *viz.*

I *A. B.* [naming him or herself] do swear [or, if a Quaker, solemnly affirm, in the Form directed by Law] that I will give a just and true Account of the Number of Slaves whereof, upon the fifteenth Day of *July* instant, I am any way in Possession, either in this Island, or any of the Islands thereunto adjacent and belonging, in my own Right, or in the Right of any other Person or Persons, for the Taxes of which, I, or my Employer, or to whom I am Overseer, or Manager, am or is answerable, either by the Laws of this Island, or by Virtue of any Agreement with any Person or Persons whatsoever; and that I have not removed any Slave or Slaves, from this Island of *Antigua*, or from any of the Islands thereto adjacent and belonging, to any other Place, to evade the Taxes imposed for or in respect of such Slave or Slaves.

Oath.

SO HELP ME GOD.

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No. 396.

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Justices to re-
turn on 20th
July ensuing,
Names of In-
habitants ac-
counting or
defaulting.

And each such Justice is hereby required, before the twentieth Day of *July* next following such Application by the Treasurer, in each such Year, respectively, to make a Return, in Writing, under his Hand, into the Treasurer's Office of *Antigua*, of the Persons' Names, and for what Division, or for the Town of *Saint John*, respectively, giving such Account of Slaves before him, and of the true Number of Slaves so accounted for, and of the Names of those summoned and making Default of Appearance; and the Constables, respectively, shall summon the Inhabitants, at least forty-eight Hours before the Time required for their Attendance; and each Constable shall give in, upon Oath, before the Justices of the respective Divisions, and Town of *Saint John*, on the said Day and Place so appointed for attending to account, the Names of each Inhabitant summoned, in a written List; which written List, sworn to by the Constables, shall be certified, by the Justices, to the Treasurer of this Island.

Treasurer to
issue War-
rants to Con-
stable, to sum-
mon Default-
ers.

V. And be it enacted by the Authority aforesaid, That, upon receiving such Returns, the Treasurer of this Island is, without Delay, to issue Warrants to the respective Constables, to summon the Defaulters to appear, at the Treasurer's Office at the Town of *Saint John*, at some certain Hour of some Day, before the twenty-fourth Day of *July* in such Year, to give-in, upon Oath or Affirmation as before directed, before the Treasurer, who is hereby empowered to take such Oath or Affirmation, the aforesaid Account of Slaves, according to the Number possessed on the fifteenth Day of the then instant *July*; and each such Person as shall make Default of Appearance before the Justices, shall be summoned to appear before the Treasurer, either personally, or by Notice in Writing left at his, her, or their last Place of Abode with some White Person, signifying the Day, and Hour of the Day, when to appear at the Treasurer's Office in *Saint John's* Town, and that it is to give-in the Account of his, her, or their Slaves; and such last-mentioned Summons to be served, at least two Days before the Day of Appearance, under Pain of the Constable's forfeiting fifty Pounds, in Default of summoning duly all Defaulters as last-mentioned; and all such Persons who, being so summoned as last-mentioned, shall make Default of Appearance, or not duly accounting, as last-mentioned, before the Treasurer, shall pay, and shall be charged in the said Treasurer's Books with double the Taxes, for that Year, hereby imposed on his, her, or their Slaves, according to such Number as the

Constable
neglecting, to
forfeit 50%.

Persons sum-
moned not ap-
pearing or ac-
counting to
pay double
Taxes.

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the Treasurer can discover such Defaulters to have each had, on the fifteenth Day of *July*, in that Year.

VI. And be it also further enacted by the Authority aforesaid, That no Oath shall be admitted to be taken, of any Number of Slaves, but by the Persons actually possessing in their own, or some other Person's Right: And no Overseer, or Manager, or other Person not being such Possessor, unless such Possessor be an Infant, sick, or unable to travel, or not in the Island, or any of the Islands adjacent, and that proved on Oath before the Justice, or the Treasurer, who shall take the Account of Slaves, shall be admitted to swear to the Number of Slaves of any Owner or Possessor of Slaves.

Oath by Owner, not by Overseer.

Exception.

VII. And be it, and it is further enacted by the Authority aforesaid, That the following Members of the Council Board, namely, the Honourable *William Salmond*, *John Gray*, and the Honourable *Robert Jeafferson*, Esquires; and the following seven Members of the Assembly, namely, *Alexander Willock*, *John Taylor*, *Thomas Daniel*, *William Byam*, *Bertie Entwisle*, *James Nibbs*, and *William Morson*, Esquires, or such other Member or Members as may be, at any Time hereafter, appointed by the said Council and Assembly, shall be and are hereby appointed a Committee; and that any three of them, consisting always of one Member of the Council, with two Members of the Assembly, shall have full Power and Authority to receive the said Bills, from our said Treasurer; and to sell and dispose of the said Bills, and to purchase the said Provisions to the Amount aforesaid; and to transact any other Business by Virtue of this Act.

Committee for Transactions under Act.

VIII. And be it also further enacted by the Authority aforesaid, That the Treasurer of this Island shall, by and with the Direction of the aforesaid Committee, or any three of them, provide, in convenient Time, in the Town of *Saint John*, proper Stores and Warehouses, for the receiving and safe keeping all such Provisions, as shall be purchased or received by the said Committee, by Virtue of this Act; and also shall, by and with the Direction aforesaid, provide a sufficient Number of White Men and Slaves, to attend the said Warehouses and Stores, for the receiving, shifting, airing, and delivering the said Provisions from time to time.

Treasurer, under Direction of Committee, to provide Storehouses in *St. John's*, and Attendants.

IX. And be it further enacted by the Authority aforesaid, That the aforesaid Committee or any three of them, shall, and are hereby required to purchase, in this, and all and every of the other Islands within this Government, or in the Neighbourhood thereof, all and

Committee to purchase Food for Slaves with the Bills.

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every such Species of Food and Provisions, as they shall think necessary and proper for the Food of Slaves, in such Quantities, and at such Prices, as they shall think most conducive for the proper and speedy supplying this Island; to be paid-for by the Bills so to be drawn as aforesaid, or out of such Sum and Sums of Money, as shall be raised and received by Sale of any Part of the said Bills, by Virtue of this Act, and deposited in the Public Treasury in the Manner hereinbefore directed.

Stores to be
opened first
Week in *August*
for Delivery
of Pro-
visions.

X. And be it, and it is hereby further enacted by the Authority aforesaid, That whenever any Provisions shall be purchased as aforesaid, the said Committee, or any three of them, shall direct the same to be deposited, in the said Stores and Warehouses in the said Town of *Saint John*, and there to be kept, till the first Week in the Month of *August* next ensuing the Date hereof; and that, in the said first Week of *August*, the said Stores and Warehouses shall be first opened, and continued open during that Week, for the Delivery and vending such Provisions, in such Quantities as the said Committee shall appoint and direct, to any and every Person and Persons, Owners and Possessors of Slaves in the said Island, as shall make a Demand, during that Week, for the same, upon producing the Certificate hereinafter required: And as to every other Person or Persons, Owners or Possessors of Slaves in this Island, (all and every Owner and Possessors of Slaves, being hereby bound to take such Provisions, in such Quantities as shall be directed by the said Committee,) who shall neglect to demand and attend, during the Days of that Week directed for the Delivery of the said Provisions, with the said Certificate; such Quantities as directed for their Proportions and Share shall not be delivered to them at any Time after, but still shall be charged to them, in the Treasurer's Books, at the Price fixed at the Time of such Delivery, and shall be deemed as forfeited, and shall sink in the Public Stores, in order to prevent extraordinary Delays and Expenses, which will be otherwise occasioned to the Public thereby.

Owners of
Slaves not
taking Provi-
sions in Quan-
tities and at
Time directed
by Committee,
to lose them;
being charged
for them in
Treasurer's
Books.

Committee to
meet at Treas-
urer's Office
one Day every
Week preced-
ing; to regu-
late Delivery,
&c.

XI. And be it also further enacted by the Authority aforesaid, That the said Committee, or any three of them, consisting of one Member of the Council and two Members of the Assembly, shall meet at the Treasurer's Office, one Day in every Week preceding the said first Week in *August*, and preceding the Weeks hereinafter mentioned for a farther Vending and Delivery of the said Provisions, in order to settle and determine, the Species and Quantity of Provisions, they shall think necessary, for each Vending and Delivery; and

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and shall direct the Treasurer to advertise the same, a few Days before the Week appointed for Delivery, in the Public News-papers of this Island; and which said Quantities of Provisions are not, at any Time, to exceed the Proportion of six *Winchester* Pints, for *Grain* or *Pulse*, or of the like Measure, in Proportion, for any other Kind of Provisions, for each Slave, on an Average for their Size and Age, for each Week; and to be delivered according to the Number of Slaves, owned or possessed by the Person or Persons, to whom the same is to be delivered; and which said other Weeks, for further vending and delivering of Provisions, after the said first Week in *August*, shall be, the second Delivery in the fourth Week then next following, and so, in every fourth Week, for the remaining Vendings and Delivery, until the whole is disposed of.

Maximum
Proportion to
be delivered
per Slave.

XII. And be it also and it is hereby further enacted by the Authority aforesaid, That no Person or Persons, whatsoever, shall be entitled to demand and receive any Quantities, or Portions, of Provisions aforesaid, until he, she, or they shall produce, at the Treasurer's Office, in the Weeks appointed for Delivery, a Certificate or Certificates, sworn-to and attested by a Justice of the Peace for the said Island, that such Provisions so required, are for the Consumption of the Slave or Slaves of some Person or Persons of this Island, or of Slaves belonging to Persons from whom he, she, or they are Executors, Attornies, Guardians, Managers, or Overseers; and that the same Provisions are not intended to be sent from off this Island; and which said Certificate and Certificates shall be lodged in the Hands of the Treasurer, and a Receipt given, on the Back thereof, for such Quantities of Provisions as may be then delivered.

No Persons to
receive Provi-
sions without
Certificate
from Justice,
&c.

XIII. And be it also enacted by the same Authority, That the said Committee, or any three of them, shall, from time to time, settle and adjust the different Prices of the several Species of Provisions, for which each Owner and Possessors of Slaves is to be charged, at any Time before the Week appointed for the Vending and Delivery; and which Prices shall be the Value of the said Provisions, and shall be charged to the Person or Persons to whom the same shall be sold and delivered,—or which ought to have been sold and delivered as his, her, or their Proportion, but forfeited for want of proper Demand,—according to the Directions herein-before mentioned, in Account in the Treasurer's Books, as Debts due to the Public; and the several Amounts thereof shall be paid on the fifteenth Day of *August*, which will be in the Year of our Lord one thousand seven hundred and eighty-one; and for which regular Accounts shall be issued for the same,

Committee to
adjust Prices.

Provisions to
be paid-for
15th *August*,
1781.

If Bills on
British Trea-
sury not paid,
Provisions to
be paid for
15th August,
1780.

same, from the Treasurer, ten Days, at least, before the said fifteenth Day of *August*, one thousand seven hundred and eighty-one, in the Manner herein-after directed. Provided always, and it is the true Intent and Meaning hereof, that in case the said Bills of Exchange, herein-before directed to be drawn on the said Lords Commissioners of His Majesty's Treasury, shall not be paid according to the Tenor and Effect of the same; that then, and in that case only, the several Accounts due for Provisions, so delivered, shall be and are hereby made payable on the fifteenth Day of *August*, one thousand seven hundred and eighty, regular Accounts for the same being issued, ten Days before the said fifteenth Day of *August*, one thousand seven hundred and eighty.

Value for Pro-
visions under
Act to be a
Charge on
Slaves, Lands,
&c.

If Debtors for
Provisions die,
personal Es-
tate liable pri-
or to Payment
of Debts to
Subjects; on
Penalty of Ex-
ecutors', &c.
paying out of
their own Es-
tate.

XIV. And be it also further enacted by the Authority aforesaid, That the several Sums of Money which shall be so due, for the Value of Provisions sold and delivered, or which ought to have been so delivered as aforesaid, by Virtue of this Act, shall be a Charge on the Slaves, Lands, and Tenements, Hereditaments, Rents, and Annuities of the Person or Persons, being Debtor or Debtors of the Public, to whom, or on whose Account, such Provisions as aforesaid have been sold and delivered, or ought to have been sold and delivered, from the said first Week in *August* next ensuing the Date hereof, against all other Persons into whose Hands they shall afterwards come: And when any such Debtor or Debtors for the said Provisions shall die, the personal Estate of such Debtor or Debtors, shall be, and is hereby made chargeable with such Debts; and his, her, or their Executors or Administrators, are to pay the same, on the said fifteenth Day of *August*, one thousand seven hundred and eighty-one, or, eventually, as hath been herein-before, and is herein-after particularly provided for, at any Time during the Year one thousand seven hundred and eighty, prior to any Debt or Debts whatsoever, due, or to be due to any Subject, whether by Judgment or otherwise, upon Pain of such Executors or Administrators' answering and paying the same out of his, her, or their proper Estates, which, in such case, shall be and is hereby made liable to be levied on and sold, in the Manner herein-after directed, in case of Levies on the Estates of Persons in Default on paying their Capitation Tax; and the Executors or Administrators duly paying the said Public Debts, shall be by Law discharged to that Value, against Debts of all other Kinds, due to any Subject, from their Testators or Intestates.

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No. 396.

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XV. And be it, and it is hereby further enacted by the Authority aforesaid, That if it should so happen, that the said several Bills of Exchange, or any of them, intended, as herein-before mentioned, to be drawn on the said Lords Commissioners of His Majesty's Treasury, should not be accepted and paid according to the Tenor and Effect of the said Bills of Exchange; so that the same shall be returned, by the Holders thereof or Persons lawfully entitled to the same, under Protest for Damages, according to the established Usage of Merchants; that, as a Provision for repaying such Damages, Interest, and incidental Costs and Charges as may arise from such Protest, a further Tax shall be and is hereby imposed, on all Owners and Possessors of Slaves, within the said Island, or the Islands adjacent as aforesaid, not exceeding three Shillings each Slave, to be determined and assessed by the said Committee herein-before appointed, or any three of them, as a Fund for repaying such Sum or Sums of Money, as may and shall be due, on such said Bills of Exchange as may be returned under Protest as aforesaid: And which said Assessment, and the Days and Times on which the same is to be paid, the said Committee, or any three of them, shall, and are hereby fully authorized and empowered to make and direct, from time to time, in such Proportions, not exceeding three Shillings on each Slave as aforesaid, as shall seem fit and necessary to them for the Purposes aforesaid.

If Bills should be returned protested, Committee empowered to lay Tax not exceeding three Shillings per Slave to answer Expences.

XVI. And in case it shall happen, from Accidents of Hurricane, Fire, Earthquake, or other Contingencies that might injure and spoil, or occasion a Loss of a Part or of the Whole of the said Provisions, That the Taxes hereby already imposed, and the said Monies to be collected from the vending of the said Provisions, shall prove a Fund defective and insufficient, to pay and defray the Monies that shall be borrowed, with the Interest thereon, and the Charges and Purposes for which they are hereby designed; be it, and it is hereby enacted by the Authority aforesaid, That, in such case, another Tax not exceeding the Sum of twenty-four Shillings, Gold and Silver current Money aforesaid, for each Slave as aforesaid, shall be and continue and be paid, in and for the said Year one thousand seven hundred and eighty-one, on the same fifteenth Day of *August*; or, eventually, in case of the said Bills not being duly paid by the Lords Commissioners of His Majesty's Treasury, the same Tax shall be paid at an earlier Period, in such Proportion, and in such Time, as may be determined by the Committee, or any three of them; and the same Account of Slaves shall be taken, and all Things whatsoever done therein,

If Provisions spoilt or lost by Hurricane or other Contingency, Tax not exceeding 24s. per Slave to be paid, &c.

therein, with relation to the said last mentioned additional Taxes of twenty-four Shillings, and of three Shillings, on each Slave, in the same Manner as the same are hereby directed to be done and taken, with respect to the raising and paying the other mentioned Taxes, and under the same Penalties, Forfeitures, Clauses, Directions, Limitations, and Regulations, and for the same, and no other Uses, Intents, and Purposes, as fully as if the same were herein particularly mentioned and expressed.

Taxes and
Payments col-
lected under
Act, to be ap-
plied towards
Payment of
Provisions,
&c.

XVII. And be it, and it is hereby enacted by the Authority aforesaid, That all Taxes imposed by this Act, and all Monies collected and received by the Treasurer of this Island for the time being, due, by the Owners and Possessors of Slaves as aforesaid, for the Provisions distributed and vended to them, shall be, and are hereby made a Fund in the Public Treasury of this Island, for discharging and paying the said Sums of Money to be borrowed as aforesaid; and which said Sums of Money are hereby declared to be, and are made payable on the fifteenth Day of *August*, which will be in the Year of our Lord one thousand seven hundred and eighty-one; or, eventually, in the Year one thousand seven hundred and eighty, as hath been herein-before limited and declared; and, in like Manner, for discharging and defraying all Costs, Charges, and Expences, whatsoever, arisen or to arise, by Means of receiving, stowing, and delivering the said Provisions, so as to indemnify and save harmless the said Committee, the said Treasurer, and all other Persons acting therein in Manner herein-before and herein-after mentioned and directed, their, and each of their Heirs, Executors, and Administrators, from all Suits, Costs, Damages, and Expenses which shall hereafter happen, arise or be sustained: And if any Overplus, after satisfying and fulfilling the Purposes before mentioned, shall arise and be left, of the Monies or Effects which shall be levied by Virtue of this Act, the same shall be applied and sink into, the General Fund for defraying the Public Debts and Charges of this Island, as shall be hereafter directed by the Governor, Council, and Assembly of this Island.

Surplus to
sink into Pub-
lic General
Fund.

Committee
before the Is-
sue of Debtors'
Accounts to
examine Treas-
urer's Gene-
ral Account.

XVIII. And be it enacted by the Authority aforesaid, That, in some convenient Time preceding the Times herein-before limited for the issuing the said Debtors' Accounts by the Treasurer, the said Committee, or any three of them, shall meet together, and examine and adjust the said Treasurer's General Account of the Costs and Charges attending the said Provisions, and of all Expenses arising on the storing, keeping, and delivery of the same, with the Interest accruing on the same paid and expended thereon: allowing and crediting

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ding, in the General Account, for all Sums collected by all or any of the three respective Capitation Taxes, two whereof are eventual as herein-before directed to be levied, to the Intent of ascertaining the just Balance, that may be then due to the Public Accompt for purchasing the said Provisions.

XIX. And be it further enacted and ordained by the Authority aforesaid, That if any Person or Persons, shall refuse or neglect to pay, his, her, or their Taxes, in the Manner and Time herein before appointed, or, being Debtor or Debtors for Provisions as aforesaid, shall refuse or neglect to pay their respective Sums or Balances, due from him, her, or them, upon the said fifteenth Day of *August*, one thousand seven hundred and eighty-one; or, eventually, in some Time of the Year one thousand seven hundred and eighty; the Treasurer of this Island, for the time being, shall, and is hereby empowered and directed, in either Case, to issue a Warrant or Warrants, under his Hand and Seal, indorsed or signed by any one Member of the said Committee, directed to the respective Constable or Constables in whose Division or Divisions such Defaulter or Defaulters shall reside, to levy the same on the Goods, Chattels, and Slaves of the said Defaulter or Defaulters; and all and every the Constables of this Island are hereby required to execute the same, respectively, under Pain of Imprisonment, for six Calendar Months, in the Common Jail of this Island, without Bail or Mainprize, by Virtue of a Warrant of the said Treasurer for the time being, indorsed or signed by any Member of the said Committee, directed to the Provost Marshal of this Island, or his Deputy.

XX. And be it, and it is hereby enacted by the Authority aforesaid, That all Goods, Slaves, and Chattels, which shall be levied on as last mentioned, shall be lodged with the said Treasurer, or in some Place under his Direction, until the Expiration of ten Days after such Levy is made; and if the said Taxes, Debt, or Debts for which the said Levy or Levies are made, are not satisfied and discharged, together with all Costs attending the same, on the Expiration of the said tenth Day; such Goods, Slaves and Chattels shall be sold, at Public Outcry, to the best Bidder, for ready Gold and Silver Money, as soon as may be conveniently done after the Expiration of ten Days from the Time of the Levy, in the Town of *Saint John*; and the Treasurer shall cause Publication to be made of such intended Sales, at least five Days before the Day of Sale, and if any Overplus remain after the Levy, and all incidental Charges thereof satisfied, including the Sum of sixteen Shillings and six Pence, to be paid to the

If Debtors for Provisions or Taxes make Default in Payment, Treasurer to issue Warrant, &c. for Levy on Goods and Slaves.

Constable not executing Warrant, to be imprisoned six Calendar Months.

Goods and Slaves levied on, to be lodged under Direction of Treasurer; if Taxes, or, Debts, &c. not paid in ten Days, Goods and Slaves to be sold by Outcry.

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the Constable for the Execution of each of the said Warrants; such Overplus shall be returned to the Persons by Law thereto intituled.

If Goods and Slaves insufficient, Treasurer to issue further Warrant, indorsed by Member of Committee for Levy on Lands, &c.

XXI. And be it further enacted by the Authority aforesaid, That in case, upon issuing such Warrants for Levy, sufficient Goods, Chattels, or Slaves of any Person to be levied, cannot be found, then it shall and may be lawful for the said Treasurer for the Time being, by another Warrant under his Hand and Seal, indorsed and signed by any one of the said Committee, reciting the former Warrant being unsatisfied for the Insufficiency aforesaid, directed to the Constable as aforesaid, to levy the said Debts due, with the Costs and Charges attending, upon the Lands, Tenements, Rents, Annuities, or Hereditaments of the same Defaulter or Defaulters, all which shall be sold at Public Outcry, as before directed in Case of Goods, Chattels, and Slaves, and the Treasurer's Sale, executed by himself, and acknowledged before the Register of Deeds in this Island for the time being, and duly recorded in his Office, shall be good for such Estate as the Owner could lawfully convey; and if such Owner shall be Tenant in Tail, the same shall bar all Estates Tail, and Remainders and Reversions thereon expectant; any Act, Law, or Usage to the contrary in any wise notwithstanding.

Fund under Act, after 15th Aug. 1781, to be converted into good Bills, remitted to *London*, and made payable to Order of *British* Treasury.

XXII. And be it, and it is hereby further enacted and ordained by the Authority aforesaid, That all Monies which shall be received or raised hereafter, in the Public Treasury of this Island, by Virtue of this Act, as a Fund for paying the Principal and Interest, of such Sum or Sums of Money, as shall be due for the Payment of the several Bills of Exchange, hereby enacted to be drawn, on the Lords Commissioners of His Majesty's Treasury, shall be, as soon after the said fifteenth Day of *August*, one thousand seven hundred and eighty-one, as possible, converted into good creditable Bills of Exchange, at the Discretion of the said Committee, or any three of them, to be remitted to the City of *London*, and made payable to the said Lords Commissioners of the Treasury, or their Agents properly appointed and authorized to receive the same, to the amount of the full Sum paid by the said Lords Commissioners, or their Agents, and of all Interest accruing, and of any Expense incident thereto.

Dated at *Saint Christopher's*, the third Day of *July*, one thousand seven hundred and seventy-nine, and in the nineteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace
of

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of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker.*

Passed the Assembly, the first
Day of July, one thousand
seven hundred and seventy-
nine.

Passed the Council, the first
Day of July, one thousand
seven hundred and seven-
ty-nine.

EDWARD GAMBLE, Jun.

By Command,

Clerk to the Assembly, pro tempore.

GEORGE WILLIAM JORDAN,
Deputy Secretary.

Passed the Governor in Chief, the third Day of July, one thousand seven hundred and seventy-nine.

WILLIAM MATHEW (L. S.) BURT.

Published this seventh Day of July, one thousand seven hundred and seventy-nine.

JOHN ROSE, *Deputy Provost Marshal.*

An Act for the more effectual carrying on, and compleating the Public Works at Great George Fort, and in the Neighbourhood of English Harbour, and at Goat Hill.

No. 397.
EXPIRED.

Dated —.

An Act for preventing the Practices of Slaves vending Sugar, Rum, Molasses, and Sugar-canes; and also for reviving an Act, intituled, An Act for preventing Abuses in carrying on the Inland Trade of this Island; regulating the Hire and Manumission of Slaves; and for advertising Run-aways committed to Gaol.

No. 398.
EXPIRED.

Dated 29th February, 1780.

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No. 399.

A. D. 1780.

No. 399. *An Act to repeal an Act, intituled, An Act declaring the several Articles Martial Law shall consist of, dated the twenty-eighth Day of June, in the Year of our Lord one thousand seven hundred and two.*

PREAMBLE.

No. 132.

WHEREAS an Act of this Island, intituled, *An Act declaring the several Articles Martial Law shall consist of*, dated the twenty-eighth Day of June, in the Year of our Lord one thousand seven hundred and two, from the Alterations of Times and Circumstances since the same was passed, is become very inconvenient; and is, in many respects, defective and inadequate to the good Purposes to be expected from an Act of that sort: And whereas the said Act, at the Passing thereof was not limited in its Duration; and it is found by Experience, that it is better to pass temporary Laws, that the same may be, if necessary, at their Expiration altered and amended: And whereas a Bill, for the Purpose of appointing and making a Martial Law in this Island, and enforcing the same, is now preparing to be passed into a temporary Law, more full and compleat, and better adapted to our Situation, than any heretofore passed for that Purpose; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do pray Your Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication hereof, the said first recited Act, and every Clause and Part thereof, shall be, and is hereby repealed and made void, to all Intents and Purposes, whatever, as though the same had not been made or passed; any Thing in the said Act, or any other Act, to the contrary notwithstanding.

ACT.

No. 132
repealed.

Dated at *Antigua*, the thirteenth Day of *April*, in the Year of our Lord one thousand seven hundred and eighty, and of His Majesty's Reign the twentieth Year.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the thirteenth Day of *April*, one thousand seven hundred and eighty.

THOMAS WARNER,
Clerk to the Assembly.

Passed the Council, the thirtieth Day of *September*, one thousand seven hundred and seventy-nine. By Command,

GEORGE WILLIAM JORDAN,
Deputy Secretary.

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Nis. 399 — 401.

A. D. 1780.

ANTIGUA. Passed the Governor in Chief, this thirteenth Day of April, one thousand seven hundred and eighty.

WILLIAM MATHEW (L.S.) BURT.

ANTIGUA. Published the fifteenth Day of April, one thousand seven hundred and eighty.

JOHN ROSE, *Deputy Provost Marshal.*

An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island, and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force, in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia at those Times. No. 400.
EXPIRED.

Dated 14th April, 1780.

An Act for vending to the Inhabitants of this Island, the Provisions sent from England, by the Right Honorable the Lords Commissioners of the Treasury, by Order of His Most Sacred Majesty; for securing Payment of all Monies which shall grow due by the Sale of the said Provisions; for appointing a Time of Payment; and for other Purposes therein mentioned. No. 401.

WHEREAS Your Most Excellent Majesty hath been graciously pleased, at our earnest Solicitation, to order the Right Honorable the Lords Commissioners of the Treasury, to send from *England*, a Quantity of Beans, Pease, Biscuit, and Flour, for the Relief and Support of the distressed Inhabitants of this Island; which Provisions are safely arrived, and will be ready in a short Time to be disposed of, agreeable to Your Majesty's benign Intentions: And
PREAMBLE.

whereas Your Majesty hath been further pleased to order the said Provisions to be distributed at prime Cost, in such Manner as our Governor in Chief, by and with the Consent of his Council, shall think proper to direct: And whereas our said Governor and Council have regulated the Sale of the said Provisions in the following Manner, (that is to say) That the Beans shall be sold at nine Shillings *per* Bushel; the Pease, at eleven Shillings *per* Bushel; the Flour at thirty Shillings *per* Cwt.; and the Biscuit, at forty Shillings *per* Cwt.: that the Flour and Biscuit shall not be sold but for immediate Payment; and that the Beans and Pease shall be sold for Payment on the first Day of *July*, one thousand seven hundred and eighty-one; each Payment to be made in Gold and Silver, current Money: That all Purchasers of the above Provisions, before they can receive any Part thereof, shall produce an Affidavit, sworn-to before one of His Majesty's Justices of the Peace, declaring that the Provisions so to be purchased are to be consumed in this Island, by the said Purchasers, their Families, or Slaves; and that the same are not, directly or indirectly, to be exported from this Island: and that all Persons, having purchased Part of the said Provisions, and being in want of more, shall, before they can be again supplied, in like Manner swear, that the Provisions before purchased by them, have been, or are nearly consumed: that the Purchasers of the Beans, Pease, and Biscuit shall not be allowed to buy more, in Quantity, than at the Rate of one Bushel of Beans and Three-fourths of a Bushel of Pease and two Pounds of Biscuit for each Slave in Possession; and that the Number of each Person's Slaves, on the Day of buying said Beans, Pease, and Biscuit, shall be set forth in the Affidavit above mentioned: that the Purchasers of the Flour shall not be allowed to buy more, than at the Rate of forty-two Pounds of Flour for four Weeks, for each White Person in the Family of the Purchaser; and that the Number of White Persons in Family, shall be given-in, upon Oath, in the same Manner as the Number of Slaves above mentioned: that as the Calculation of the said Provisions is for sixteen Weeks, any Person desirous of purchasing and taking away the whole of their Proportion at once shall be allowed so to do: And whereas our said Governor and Council think it indispensibly necessary, that an Act of the Legislature should be forthwith passed, making the several Sums of Money, which may not be immediately paid for these Provisions, Debts due to the Crown and recoverable after the Day specified in the Act, in the same Manner that the Taxes in this Island are made recoverable by the Treasurer: And
whereas

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whereas the public Faith is already pledged, for securing Payment of the said Provisions in the most effectual Manner; We, therefore, Your Majesty's loyal and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do most humbly pray Your Most Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said Provisions shall be distributed by the Treasurer of this Island for the time being, or his lawful Deputy, under the Restrictions and Limitations and in the Form and Manner above mentioned and no other: Provided always, that, if after finishing the Sales of the said Provisions, paying all the Charges thereon, and completing the Accounts thereof, there shall appear to be more Money received and due for the said Provisions, than, both together, will reimburse the Lords of the Treasury the Amount of the several Invoices of the said Provisions, being the Prime-cost and Charges of the said Beans, Pease, Biscuit, and Flour, the Treasurer for the time being is hereby authorized, required, and directed, to make such Deductions from the foregoing Prices of the respective Quantities delivered to each Purchaser, as will reduce the whole Sum received, and to be received, to so much and no more as will reimburse the Lords of the Treasury as aforesaid; any Thing in this Act to the contrary notwithstanding.

II. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That the several Sums of Money which shall grow due, for the Value of the Provisions distributed as afore-mentioned, by Virtue of this Act, shall be immediately Debts due to the Crown; and shall be, from the Delivery of the said Provisions, chargeable on the Lands, Tenements, Hereditaments, Rents, Annuities, and Slaves of the Person or Persons, being Debtor or Debtors for the same; and shall be paid prior to any Debt or Debts, whatsoever, due or to be due to any Subject, whatever; and if any such Debtor or Debtors, shall die before the Day of Payment for the same, the Personal Estates of such Debtor or Debtors, shall be and are hereby made chargeable with the same; and his, her, or their Executors or Administrators are to pay the same prior to any Debt or Debts, whatsoever, due to any Subject, whatever, whether by Judgment or otherwise, upon Pain of such Executor's, or Administrator's, answering and paying the same out of his, her, or their proper Estate, which, in such case, is hereby made liable to be levied on and sold, in same Manner as hereinafter directed, in Cases of Neglect or Re-

Act.
Provisions sent by the Government in *England*, to be distributed according to the Regulations in Recital.

Proviso.

Monies due for Provisions, to be Debts due to the Crown, and chargeable on Lands, &c.

fusal

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fusal of Payment; and all Executors or Administrators duly paying the said Debt, shall be by Law discharged to that Value, against Debts of all Kinds, due to any Subject, from their Testators or Intestates.

On Default of
Payment,
Treasurer to
issue Warrant
for Distress,
&c.

No. 389.

No. 389 to be
in force, as
Part of Act.

Balance of
Monies raised,
to be remitted
to *British*
Treasury.

Affirmation
of Quakers to
be taken, &c.

III. And be it, and it is hereby further enacted and ordained by the Authority aforesaid, That, if any Purchaser or Purchasers of the said Provisions, shall neglect or refuse to pay for the same on the said first Day of *July*, one thousand seven hundred and eighty-one, the Treasurer of the said Island for the time being, or his lawful Deputy, shall, and is hereby empowered, required, and directed to issue, a Warrant or Warrants, under his Hand and Seal, to the Provost Marshal, to levy such Debts and Demands on the Goods, Chattels, and Slaves of such Defaulter or Defaulters, or Person or Persons neglecting or refusing to pay as aforesaid, in the same Manner and Form, and in all Cases agreeable to and pursuant to the Authorities and Directions setforth, respecting Defaulters, in and by the eighteenth, nineteenth, twentieth, and twenty-first Clauses of an Act, intituled, *An Act raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax*; and which passed the twelfth Day of *October*, in the Year of our Lord one thousand seven hundred and seventy-eight.

IV. And be it also enacted and ordained by the Authority aforesaid, That the said eighteenth, nineteenth, twentieth, and twenty-first Clauses of the aforesaid Act, intituled, *An Act raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax*, shall be and remain in full Force and Authority, and be deemed and taken, to all Intents and Purposes, as Part of this Act; any Thing to the contrary thereof in any wise notwithstanding.

V. And be it also enacted and ordained by the Authority aforesaid, That all Monies which shall be due on the Sale of the said Provisions, by Virtue of this Act, shall be paid to the Treasurer of this Island for the time being, or his lawful Deputy; and after paying all Charges of landing, stowing, and distributing the said Provisions in this Island, the Balance thereof shall be, by the said Treasurer, paid into the Hands of our said Governor in Chief, to be by him remitted to the Right Honorable the Lords Commissioners of the Treasury, in Payment thereof, with all convenient Speed, in such Sums and in such Manner as our said Governor shall think proper.

VI. And be it also further enacted and ordained by the Authority aforesaid, That in all cases wherein, by this Act, an Oath is required to be made and taken, the solemn Affirmation of any Person being

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Nis. 401, 402.

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a Quaker, shall and may be taken and accepted in lieu thereof: and every Person required by this Act to make an Oath or Affirmation, who shall be convicted of wilful and false Swearing, or wilful and false Affirming, shall incur and suffer such and the same Penalties and Forfeitures, as are inflicted and imposed, by any Laws and Statutes of that Part of *Great Britain* called *England*, upon Persons convicted of wilful and corrupt Perjury.

Dated at *Antigua*, the twenty-first Day of *April*, in the Year of our Lord one thousand seven hundred and eighty, and in the twentieth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

THOMAS DANIELL, *Speaker*, pro tempore.

Passed the Assembly, the twenty-first Day of *April*, one thousand seven hundred and eighty.

Passed the Council, the twenty-first Day of *April*, in the Year of our Lord one thousand seven hundred and eighty.

THOMAS WARNER,
Clerk to the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

ANTIGUA. Passed the Governor in Chief, this twenty-first Day of *April*, in the Year of our Lord one thousand seven hundred and eighty.

WILLIAM MATHEW (L. S.) BURT.

ANTIGUA. Published the twenty-second Day of *April*, one thousand seven hundred and eighty.

JOHN ROSE, *Dep. Pro. Marshal.*

An Act to revive, amend, and continue an Act, intituled, No. 402.
An Act for the further Prevention of Damages to
the Harbours; and for appointing Harbour-mas-
ters; EXPIRED.

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Nis. 402—405.

A. D. 1780.

ters; and also one other Act to amend an Act, intituled, An Act for the further Prevention of Damages to the Harbours; and for appointing Harbour-masters.

Dated 11th August, 1780.

No. 403. *An Act to empower a Committee of the Council and Assembly of this Island, under the Direction of the Captain-general or other Person in Chief Command, to prepare and compleat the Public Works; and for raising a Number of able-bodied Slaves, to serve, occasionally, as Labourers and Pioneers, upon the Forts and Fortifications.*

EXPIRED.

Dated 5th September, 1780.

No. 404. *An Act to revive, continue, and alter an Act, intituled, An Act laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail; and, applying the same.*

EXPIRED.

Dated 23d November, 1780.

No. 405. *An Act to alter and amend an Act, intituled, An Act for cleansing and amending the Highways in this Island; and to repeal an Act for cleaning and repairing common Paths and Highways within this Island; for building a Stone Bridge over the Part which separates the Divisions of Belfast and Nonsuch; and for appointing a Committee to contract for the same.*

OBSOLETE.

Dated 22d December, 1780.

An

21st GEO. III.

No. 406.

A. D. 1780.

An Act for amending, reviving, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.

No. 406.

*Act of 26th
June, 1802,
(No. 566.)
which revives
the original
Act, No.
348, suffers
this to expire.*

WHEREAS an Act, intituled, *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same*, dated the twentieth Day of July, one thousand seven hundred and seventy-three, and since continued by four other Acts, dated the sixth Day of January, one thousand seven hundred and seventy-five, and the thirtieth Day of November, one thousand seven hundred and seventy-five, and the fourth Day of October, one thousand seven hundred and seventy-seven, and the eleventh Day of May, one thousand seven hundred and seventy-nine, which last-mentioned Act expired on the eighteenth Day of May, one thousand seven hundred and eighty; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Day of the Publication of this Act, every Master or Commander of any Ship or Vessel trading to or from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver that is or shall be appointed for that Purpose, one Pound of Powder,—one half of which shall be paid in common Powder, and the other half in Pistol Powder,—for each Ton, according to the Register of such Ship or Vessel.

II. And whereas, since the Expiration of the said last-mentioned Act, dated the eleventh Day of May, one thousand seven hundred and seventy-nine, the Collector acting and appointed under that, or the aforesaid foregoing Acts, hath continued to demand and collect the Duties of Powder, laid and imposed by the said Acts, in the Manner and Form heretofore particularly directed and appointed, under an Apprehension that the said Act or Acts would be earlier revived, as it hath been customary so to do: And whereas the collecting and receiving the said Duties of Powder hath been of great

Benefit and Advantage to this Island, by furnishing our Magazines with that Supply which could not, in the Times of Disturbance, be dispensed with; For quieting therefore the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies that might, otherwise, happen or arise by Means of such Collection of the said Duties, and by Means of the Omission in not earlier reviving the said Acts, or of passing some other Law to the Tenor and Effect of this Act, be it enacted and ordained, by the Authority aforesaid, That the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified, freed, and discharged of and from and against all Penalties, Fines, Damages, and Recoveries, whatsoever, which might be brought, filed, had, or maintained against him or them, by any Person or Persons whomsoever, for any Act, Matter, or Thing done and performed by him the said Collector, or by any other Person or Persons acting in the said Collection under him, and agreeable to the Directions of the said former Acts, from the said eighteenth Day of *May*, one thousand seven hundred and eighty, to the Day of the Publication of this Act; and the said Person and Persons against whom any such Bill, Plaint, Information, or Action shall be so brought may plead the General Issue, and give this Act in Evidence.

III. And be it, and it is hereby enacted by the Authority aforesaid, That this Act shall continue in force for *three Years* next after the Day of the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the twenty-eighth Day of *December*, one thousand seven hundred and eighty, and in the twenty-first Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, this twenty-third Day of *December*, one thousand seven hundred and eighty.

THOMAS WARNER,
Clerk to the Assembly.

Passed the Council, this twenty-third Day of *December*, one thousand seven hundred and eighty.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

ANTIGUA.

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A. D. 1780.

ANTIGUA. Passed the Governor in Chief, this twenty-eighth Day of *December*, in the Year of our Lord one thousand seven hundred and eighty.

WILLIAM MATHEW (L. S.) BURT.

ANTIGUA. Published the twenty-ninth Day of *December*, one thousand seven hundred and eighty.

JOHN ROSE, *Dep. Pro. Marshal.*

An Act for continuing an Act, intituled, An Act for No. 407.
establishing Courts of Common Pleas, Error, EXPIRED.
King's Bench, and Grand Sessions; and for compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and for limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit; and also for continuing the several Acts, since made, for the continuing, reviving, and amending the first-mentioned Act.

Dated 20th March, 1781.

An Act for providing an additional Support and convenient No. 408.
Habitation for the Reception and Residence of his Excellency Thomas Shirley, Esquire, during his actual EXPIRED.
Residence within his Government of these His Majesty's Leeward Caribbee Islands; and for appointing particular Funds for the Payment thereof.

Dated 9th August, 1781.

22d GEO. III.

Nis. 409—413.

A.D. 1782.

- No. 409. *OBsolete.* **An Act for the Ease and Relief of several insolvent Debtors, confined in the Common Jail of this Island the twenty-fourth Day of January, in the present Year of our Lord one thousand seven hundred and eighty-two.**

Dated 27th March, 1782.

- No. 410. *Expired.* **An Act to revive and continue an Act, intituled, An Act for laying a Duty on Rum, Cordial Waters, and other strong Waters sold by Retail; and, applying the same.**

Dated 27th March, 1782.

- No. 411. *Expired.* **An Act raising a Tax for paying Public Debts and Charges; and particularly applying the said Tax.**

Dated 13th April, 1782.

- No. 412. *Private.* **An Act for vesting the Plantations, or Estates, and Slaves, late of Nicholas Collins, Esquire, deceased, situate in the Parish of St. Philip in the said Island of Antigua, with the live and dead Stock thereto belonging, in Trustees, to be sold for the Payment of his Debts; and for paying and laying out the Residue of the Money, arising by such Sale, as is therein directed.**

Dated 20th August, 1782.

- No. 413. *Expired.* **An Act reviving and continuing an Act, intituled, An Act for regulating the Fees of sworn Pilots.**

Dated 28th March, 1783.

23d GEO. III.

Nis. 414—416.

A. D. 1783.

An Act *to revive and continue* An Act for the better Regulation of small Vessels; and preventing Escapes of Debtors from this Island. **No. 414.**
SUPERSEDED
 by No. 351,
 being made
 perpetual.

Dated 28th March, 1783.

An Act *for reviving and continuing an Act, intituled,* An Act for extending to this Island a certain Act of Parliament, made at *Westminster*, in the twenty-fourth Year of the Reign of our late Sovereign Lord King *George the Second*, intituled, An Act for rendering Justices of the Peace more safe in the Execution of their Offices; and for indemnifying Constables and others acting in Obedience to their Warrants; and for enabling Justices of the Peace to award Fees to Constables for executing their Processes. **No. 415.**
EXPIRED.

Dated 5th April, 1783.

An Act *to revive and continue an Act, intituled,* An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors; *and also for indemnifying Justices of the Peace and others, acting agreeable to such Act since the Expiration thereof.* **No. 416.**
See original
 Act No. 314,
 with Reference
 to later Act of
 Continuation.

WHEREAS an Act, intituled, *An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors;* bearing Date the fifteenth Day of May, one thousand

No. 314.

23d GEO. III.

No. 416.

A. D. 1783.

No. 341.

No. 369.

No. 394.

sand seven hundred and sixty-nine, and since continued by three other Acts, bearing date the eleventh Day of *June*, one thousand seven hundred and seventy-two, the twenty-second Day of *December*, one thousand seven hundred and seventy-five, and the tenth Day of *April*, one thousand seven hundred and seventy-nine, and the same, with the last Act for continuing the same, did expire on the twelfth Day of *April* now last past ; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained ; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said hereinbefore recited Act shall stand revived, and be and continue in force for the Space of *three Years* from the Publication hereof, and, thence, to the next Meeting of the Council and Assembly of this Island.

Clause of Indemnity.

II. And be it enacted by the Authority aforesaid, For preventing any Disputes or Inconveniencies, which might, otherwise, happen or arise, by reason of the not earlier reviving the said first-mentioned Act, or of passing some other Law to the Tenor and Effect of this Act, that all and every the Justices and Justice, and all and every other Person and Persons, whomsoever, acting under them, or either of them, shall be, and are and is hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries, whatsoever, which might be brought, filed, had, or maintained against them, or any or either of them, by any Person or Persons, whomsoever, for any Matter or Thing done and performed by the said Justices, or any or either of them, or by any other Person or Persons acting under them, or any or either of them, and agreeable to the Directions of the said recited Act, from the said twelfth Day of *April*, now last past, to the Publication of this Act: And the said Person and Persons, against whom any Complaint, Information, or Action shall be so brought, may plead the General Issue, and give this Act in Evidence.

Dated at *Antigua*, the fifth Day of *April*, one thousand seven hundred and eighty-three ; and in the twenty-third Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed

23d GEO. III.

Nis. 416—418.

A. D. 1783.

Passed the Assembly, the twenty-seventh Day of *March*, one thousand seven hundred and eighty-three.

Passed the Council Board, this twenty-seventh Day of *March*, one thousand seven hundred and eighty-three.

By Command,

THOMAS WARNER,
Clerk to the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief, this fifth Day of *April*, one thousand seven hundred and eighty-three.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published the seventh Day of *April*, one thousand seven hundred and eighty-three.

JOHN ROSE, *Dep. Pro. Marshal.*

An Act for reviving and continuing an Act, intituled, An Act for the Assize of Bread. No. 417.
EXPIRED.

Dated 5th *April*, 1783.

An Act for more easily recovering Parish Taxes, and the Arrears of Parish Taxes, being supplementary to an Act, intituled, An Act for dividing the Island into Parishes. No. 418.

AMENDED by
Act of 30th
Dec. 1794,
(No. 498.) S.
8. & Seq.
FURTHER
AMENDED by
Act of 4th
Sept. 1799,
(No. 536.)

WHEREAS from want of a more certain Mode of compelling Payment of Parish Taxes, the Churchwardens of the respective Parishes are unable or unwilling to levy for the same, whereby considerable Arrears are now outstanding, and many bad Debts have accrued, to the great Loss of several Parishes; We, therefore, Your Majesty's loyal, dutiful, and obedient Subjects, the Governor in Chief, and the Council and Assembly of the Island of *Antigua*,
humbly

23d GEO. III.

No. 418.

A. D. 1783.

*With respect
to the Parish
of St. John;
see No. 498,
S. 8. 7. 9. 10.*

*Persons not
paying Rate
[by No. 536,
S. 1. 2. in a
Month after
Roll is posted]
to be served
with Sum-
mons to shew
Cause why
Levy should
not issue.*

*On Persons
summoned
not shewing
Cause against
Levy, or not
appearing,
Justices to di-
rect Levy on
their Negroes,
Cattle, and
Goods.*

*See No. 536,
S. 3.*

*By No. 536,
S. 3. Levy and
Sale to be by
Provost Mar-
shal.*

*Sale by Out-
cry in six Days
after Distress.*

humbly pray Your Most Excellent Majesty, that it may be enacted; and be it, and it is hereby enacted by the Authority aforesaid, That the Vestry of each Parish shall, on or before the *first Day of February* in every Year, settle and appoint such Rate or Tax, as to them shall seem necessary, to be raised for the Use of their respective Parishes; and that the Churchwardens of the respective Parishes, shall make out a Roll of the said Tax or Rate, containing the Names of the Persons, and the Rate at which each Person is taxed; and shall affix the same upon the Church Door, in their respective Parishes, on or before the second *Sunday* after the said Tax or Rate has been settled by the Vestry as aforesaid.

II. And be it hereby enacted, That in case any Person or Persons, who are so taxed or rated, shall refuse or neglect to pay the same, together with all Arrears that now are, or may hereafter from time to time become due, within *two Months* after the Tax Roll shall have been so fixed-up, in the Manner aforesaid; then and in such case, the Churchwardens, or either of them, may and shall apply to any two Justices of the Peace of this Island, to summon before them the said Justices, on a certain Day within one Week after such Application made, any Person or Persons so refusing or neglecting to pay the said Taxes and Arrears, to shew Cause why a Warrant should not be issued to levy for the same; a Copy of such Summons to be served upon such Persons personally, or by leaving the same at their usual Place of Abode; and, in case the Person so summoned be absent from the Island, leaving the same with his or Overseer, or at the Dwelling-house on his or her Estate, shall be deemed good Service.

III. And be it hereby further enacted, That in case the Persons, so summoned, shall not shew good Cause to the contrary, or shall neglect to appear before the said Justices, on the Day by them appointed in the Summons; the said Justices are hereby directed to issue their Warrant, to the *Constable or Constables of the Parish*, to levy on and distrain the Negroes, Horses, Mules, and other Goods and Chattels of such Person or Persons so in Default, for such Sum or Sums, as shall appear to the said Justices to be due, for the said Taxes or Arrears of Taxes.

IV. And be it hereby enacted, That the *Constable or Constables*, so levying in Virtue of this Act, shall proceed to Sale, of all Goods so distrained and levied upon, at public Outcry, within six Days after Distress made; and shall faithfully pay into the Hands of the Churchwardens, or either of them, every such Sum or Sums of Money

23d GEO. III.

No. 418.

A. D. 1783.

Money as shall arise from such Sale, after deducting eight Pounds *per Centum*, for his or their Trouble, and such further reasonable Expenses as attended the Summoning, Levying, or Distraining, and Sale aforesaid: And any Constable or Constables, failing to deliver all such Sums to the Churchwardens, within one Week after said Sale, or neglecting or refusing to execute any Warrant, issued according to the true Intent and Meaning of this Act, shall forfeit, for every such Offence, the Sum of fifty Pounds, current Money; to be levied by Distress and Sale of Goods, under Warrant from any Justice of the Peace; which said Forfeiture shall be and enure to the Use of the Parish.

Marshal, after deducting Expenses, and eight *per Cent.* for his Trouble, to pay Balance to Churchwardens; failing in Duty to forfeit 50*l.*

V. And, as the duly enforcing this Act will greatly tend to prevent all Arrears, be it, and it is hereby further enacted, That any Churchwarden or Churchwardens, who shall not apply to Justices, for such Summons and Warrant thereupon as herein directed, within three Months after the Parish-tax has been so raised, unless required by the Vestry to defer making Application for the same; and every Justice of the Peace, who shall not, within three Days after Application made for that Purpose by one or both of the Churchwardens, issue the aforesaid Summons and Warrant in Manner aforesaid; shall forfeit, for such Neglect and Offence, the Sum of fifty Pounds, current Money; to be levied in the Manner and to the Use aforesaid.

Churchwardens, not applying for Summons and Warrant in three Months from raising Tax; and Justices, not issuing Summons or Warrant in three Days; to forfeit 50*l.*

VI. And, forasmuch as some Persons may happen to be unequally and unjustly rated and taxed, be it hereby enacted by the Authority aforesaid, That it shall and may be lawful for all Persons, so thinking themselves aggrieved, to appeal to the Justices of the Peace, at the Court of King's Bench and Grand Sessions, to be holden for this Island, next after the said Tax-roll has been affixed to the Parish-church-door in the Manner aforesaid; which Justices are hereby fully authorized and empowered, to hear and determine all such Appeals; and in case it shall appear to them that the Persons so appealing, are any-ways aggrieved, over-rated, or unjustly taxed,—then and in such Case, the said Justices shall have full Power and Authority, to order Restitution and Satisfaction to be made, in such Manner as to them in their Discretion shall seem meet: but no such Appeal shall be or lie further, to any other Place or Court of Judicature in this Island, for any Rate or Tax so to be made, assessed, or raised by the Vestry of any Parish, for any Matter or Thing relating to such Tax or Rate; any Law, Custom, or Usage to the contrary thereof notwithstanding.

Persons aggrieved by Rate, may appeal to Justices at next Grand Sessions.

Justices may order Abatement or Restitution.

No Appeal to other Judicature.

23d Geo. III.

Nis. 418—420.

A. D. 1783.

Dated at *Antigua*, the twentieth Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-three, in the twenty-third Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the seventh
Day of *October*, one thousand
seven hundred and eighty-
three.

Passed the Council Board,
this sixteenth Day of *Oc-
tober*, one thousand seven
hundred and eighty-three.

By Command,

THOMAS WARNER,
Clerk to the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published the twenty-third Day of *October*, one thousand seven hundred and eighty-three.

JOHN ROSE, *Dep. Pro. Marshal.*

No. 419. *An Act for reviving and continuing an Act, intituled, An Act for the better amending, and cleansing, and keeping in Repair, the several Streets and Lanes in the Town of St. John.*

EXPIRED.

Dated 18th *February*, 1784.

No. 420. *An Act for continuing and amending an Act, intituled, An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; and for the compelling the specific Performance of Money Contracts,*

EXPIRED.

24th GEO. III.

Nis. 420—422.

A. D. 1784.

Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

Dated 16th March, 1784.

*An Act to amend and render more effectual an Act, intituled, No. 421.
An Act for the better amending, and cleansing, EXPIRED,
and keeping in Repair, the several Streets and
Lanes in the Town of St. John.*

Dated 20th April, 1784.

*An Act to repeal the eighteenth and twenty-second Clauses of No. 422.
an Act of this Island, intituled, An Act for encour- REVIVED,
aging the Importation of White Servants to this with No. 295,
Island, dated the eleventh Day of July, in the Year of by Act of 24th
our Lord one thousand seven hundred and sixteen; and, Jan. 1803,
Part of the eighth Clause of another Act of this Island, (No. 569.)
intituled, An Act for increasing the Number of
White Inhabitants of this Island; dated the eleventh
Day of February, one thousand seven hundred and
forty; and for explaining and amending the said Acts;
and for reviving and continuing one other Act of this
Island, intituled, An Act supplementary to an Act,
intituled, An Act for encouraging the Importation
of White Servants to this Island, dated the eleventh
Day of July, in the Year of our Lord one thousand*

24th GEO. III.

No. 422.

A. D. 1784.

seven hundred and sixteen; also to another Act, intituled, *An Act for increasing the Number of White Inhabitants in this Island*, dated the eleventh Day of *February*, one thousand seven hundred and forty; and also, *An Act supplementary to the foregoing Acts*, dated the twenty-fifth Day of *April*, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants, and preserving and increasing the Number of White Inhabitants in this Island, dated the first Day of *June*, in the Year of our Lord one thousand seven hundred and sixty-seven.

PREAMBLE.

No. 153.

ACT.
Eighteenth
Clause of No.
153, repealed.

No. 153.

No. 194.

WHEREAS it is enacted, in and by the eighteenth Clause of an Act of this Island, intituled, *An Act for encouraging the Importation of White Servants to this Island*, passed the eleventh Day of *July*, which was in the Year of our Lord one thousand seven hundred and sixteen, in the second Year of the Reign of our late Sovereign Lord *George* the First, that the said Act should be read, four Times a Year, by each Captain of Militia at every third Meeting, at the Head of his Troop or Company, under a Penalty therein mentioned: And whereas such Reading hath been for many Years past disused; and the same cannot, now, be so requisite, since the Establishment and general Use of Printing-presses in this Island, as it might have been in Times heretofore; We, therefore, Your Majesty's dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said eighteenth Clause of the said herein recited Act, passed in the said Year one thousand seven hundred and sixteen, directing the Reading thereof in Manner herein-before mentioned, shall be, and is hereby annulled, repealed, and made void; as also all and every the Penalty and Forfeiture, and every other Matter and Thing, set forth and contained in the said eighteenth Clause only.

II. And whereas in and by the twenty-second Clause contained in the said last recited Act; and also by the eighth Clause of one other

24th GEO. III.

No. 422.

A. D. 1784.

other Act of this Island, intituled, *An Act for encreasing the Number of White Inhabitants of this Island*, passed on the eleventh Day of February, in the Year of our Lord one thousand seven hundred and forty; it is enacted, That no Servant should be deemed qualified, and the Treasurer is thereby directed not to receive any Servant, unless such Servant shall first take all the Oaths and subscribe the Declaration mentioned in one other certain Act of this Island, intituled, *An Act to prevent the Increase of Papists and Non-jurors in this Island; and for the better governing of those who are already settled here*: And whereas many useful Fellow-subjects have arrived in this Island, from time to time, with an Intention of becoming Settlers, who, not being educated in the Protestant Religion, and not professing the Tenets of the established Religion of the Mother Country, could not, by reason thereof, take all the Oaths and subscribe to the said Declaration as prescribed by the said last mentioned Act, and have been, thereby, deprived of the Rewards and Bounties, held out by the Laws to other Subjects: And whereas the said last mentioned Act for preventing the Increase of Papists and Non-jurors has been and now stands repealed; be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said twenty-second Clause, contained in the said recited Act passed in the Year one thousand seven hundred and sixteen; and so much of the said eighth Clause, of the said recited Act passed in the Year one thousand seven hundred and forty, as relates to the taking the said Oaths, and subscribing the said Declaration; shall be, also, and are hereby annulled, repealed, and made void; so that, from henceforth, all and every White Men, being Christians and His Majesty's liege Subjects, imported or to be imported into this Island as Servants, may be received, placed, and distributed by the Treasurer for the time being; and such Servants, and the Importers of such Servants, shall receive all and every the Bounty and Benefits, in Manner and Form before required, directed, and granted in the said recited Act, passed in the Year one thousand seven hundred and sixteen, and in the other said recited Act passed in the Year one thousand seven hundred and forty: Provided always, and it is the true Intent and Meaning hereof, that every Person so to be received and placed as a Servant, shall, first, take all the Oaths of Allegiance, before the said Treasurer, that are usually taken, by Persons, for acknowledging and swearing true Allegiance, and Fidelity to His Majesty, His Heirs and Successors; any Thing herein contained to the contrary thereof, in any wise notwithstanding.

No. 148;
which was re-
jected by the
King.

Twenty-se-
cond Clause
of No. 153;
and so much
of eighth
Clause of No.
194, as relates
to Imported
Servants tak-
ing any other
than Oaths of
Allegiance;
repealed.

White Men,
being Chris-
tians, and
liege Subjects,
or their Im-
porters, to re-
ceive the
Bounties un-
der No. 153,
S. 4, and No.
194, S. 8.

III.

No. 194.

Person hold-
ing by Com-
mission, &c.
any Office of
Emolument,
Civil, Milita-
ry, or Paro-
chial, not a
Servant within
the Meaning
of No. 194,
S. 3.

III. And whereas by the third Clause of the said recited Act, intituled, *An Act for increasing the Number of White Inhabitants in this Island*, dated the eleventh Day of *February*, in the Year one thousand seven hundred and forty, it is, with other Things, enacted, that if any Free-tenant shall serve, as a Gunner or Matross, on any of the Forts and Fortifications of this Island, or shall be in any Employment, or Office of Profit, in this Island, under the Crown or Public of this Island, such Tenant shall not be deemed a Servant, within the Meaning of the said Act, as long as any such Impediment shall continue: And whereas some Doubts have lately arisen concerning the Meaning and Construction of the Words of the said recited Clause; in order, therefore, to obviate the same, be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from henceforth, no Person whatever, who shall by Commission, Warrant, Presentation, Deputation, or otherwise, hold any Post, Place, Benefice, or Office within this Island, (whether the same be considered as Civil, Military, or Parochial,) and from which such Person shall receive any Emolument by Salary, Fees, Fines, or otherwise, shall be deemed, taken, or allowed, as a Free-tenant, within the Meaning of the said recited Act.

No. 194.

No Servant
under Nos.
153 and 194,
unless

IV. And whereas, contrary to the express Stipulation and Meaning of the foregoing recited Acts, some Persons, with a view to their own private Ends and Advantages, when giving the annual Accounts, on Oath, of the Number of White Men-servants or Free-tenants, then actually in their Service or Employ, or then dwelling or being on their Land Rent-free, before the Magistrates in their respective Divisions, agreeable to the Regulation of the said recited Act, passed in one thousand seven hundred and forty, have evaded the salutary Provisions contained in the said Acts, by giving-in, as Servants, the Names of various Persons who were not living in their Service or Employ, either on Wages or under Indentures or otherwise,—but who acted only as Town Agents,—or were given in as Servants, under other Denominations or Pretences, not within the Meaning of either of the said recited Acts; and in like Manner, by giving-in, as Free-tenants, the Names of other Persons, who were not Tenants of five Acres, or any other Quantity of Land, being constantly thereon, and free from all Rent or Recompense for such Lands,—but, on the contrary, were Persons, who occupied small Tenements in some of the Towns of this Island, generally of little or no Value; For remedying, therefore, these Mischiefs and Evasions, be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from henceforth, no Person shall be deemed, taken, or considered as

24th Geo. III.

No. 422.

A. D. 1784.

a Male White Servant, within the Meaning of the said recited Acts, passed in the Years one thousand seven hundred and sixteen and one thousand seven hundred and forty, who is not a Manager, Overseer, Domestic-servant, or Shallop-master, upon Wages, or a Servant or Apprentice, under Indentures,—to the Person by whom such Servant shall be given-in; nor shall any Person be given-in or received, as a Servant, under the Denomination of Town Agent, Book-keeper, or Clerk, who shall not be in the sole Employ and residing on the Plantation, or in the daily constant Service of the Office or Counting-house, of the Person by whom such Servant shall be given-in as aforesaid: And no Person shall be, under any Pretence or Consideration whatever, deemed, taken, or considered as a Male Free-tenant, who is not within the express Words and Meaning of the third Clause of the said recited Act, passed in the Year one thousand seven hundred and forty, that is to say,—who is not a Tenant of *five Acres of Land* belonging to, or in the Possession of the Person by whom such Free-tenant shall be given-in,—and who shall not constantly reside on such Land, free from all Rent or Recompense, for the same, to the Owner or Possessor thereof, and to any other Person whatever; nor shall the Occupation of any House or Houses in any of the *Towns* of this Island, Rent-free or otherwise, be deemed or considered sufficient for a Male Free-tenant, within the Meaning of the said recited Act.

unless Manager, &c. on Wages, or Servant under Indentures; or Agent or Clerk attending daily.

No Free-tenant under No. 194, S. 3, unless Tenant, rent-free and resident, of five Acres belonging to Person claiming Benefit of his Servitude.

Occupation of Houses in Towns, rent-free, insufficient.

V. And whereas an Act, intituled, *An Act supplementary to an Act, intituled, An Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen; also to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also, an Act supplementary to the foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants, and for preserving and increasing the Number of White Inhabitants in this Island; dated the fifth Day of June, in the Year one thousand seven hundred and sixty-seven; and also one other Act for reviving and continuing the said Act, dated the thirtieth Day of July, one thousand seven hundred and seventy-four; did expire on the fourth Day of June, in the Year one thousand seven hundred and eighty-one; And whereas the Treasurer hath continued to act, under and by Virtue of the said recited Acts, notwithstanding the same did expire as aforesaid, whereby many Advantages have accrued to this Community; For quieting, therefore,*

No. 295.

No. 357.

24th Geo. III.

No. 422.

A. D. 1784.

Clause of Indemnity to Treasurer and others acting under No. 295, after that and Act reviving it had expired.

therefore, the said Treasurer for having so acted as aforesaid, and for preventing any Disputes or Inconveniencies which might otherwise happen or arise, by Means of the Omission, in not earlier reviving the said Acts, or of passing some other Law to the Tenor and Effect of this Act, be it enacted and ordained by the Authority aforesaid, That the said Treasurer, and all and every Person and Persons acting under him, shall be, and are hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, which might be brought, filed, had, or maintained against him or them, by any Person or Persons whomsoever, for any Matter or Thing done and performed by him the said Treasurer; or by any other Person or Persons acting under him, and agreeable to the Directions of the said recited Acts, from the said fourth Day of June, one thousand seven hundred and eighty-one, to the Day of the Publication of this Act; and the said Person and Persons against whom any Bill, Complaint, Information, or Action shall be so brought, may plead the General Issue, and give this Act in Evidence.

VI. And whereas many beneficial Consequences will arise, from reviving and continuing the said recited Act, intituled, *An Act supplementary to an Act, intituled, an Act for encouraging the Importation of White Servants to this Island, dated the eleventh Day of July, in the Year of our Lord one thousand seven hundred and sixteen; also to another Act, intituled, An Act for increasing the Number of White Inhabitants in this Island, dated the eleventh Day of February, one thousand seven hundred and forty; and also, an Act supplementary to the foregoing Acts, dated the twenty-fifth Day of April, one thousand seven hundred and fifty-five; and for the Encouragement of, and maintaining White Women Servants; and preserving and increasing the Number of White Inhabitants of this Island; dated the first Day of June, in the Year one thousand seven hundred and sixty-seven, be it, therefore, enacted and ordained by the Authority aforesaid, That the said recited Act, and every Part and Clause thereof, shall stand, and is hereby declared to be revived, and in full force, from the said fourth Day of June which was in the Year one thousand seven hundred and eighty-one, as if the same had not ever expired: And the said Act, and every Part and Clause thereof, shall be and continue in full force, for the Space of three Years from the Day of the Publication of this Act, and, from thence, to the next Meeting of the Council and Assembly of this Island.*

By Act of 24th Jan. 1803, (No. 569,) No. 295 is further revived for one Year therefrom and till the Houses meet.

Dated

ISLAND OF ANTIGUA.

493

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Nis. 422 — 424.

A. D. 1784.

Dated at *Antigua*, the fifteenth Day of *May*, in the Year of our Lord one thousand seven hundred and eighty-four, and in the twenty-fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the
fifteenth Day of *April*,
one thousand seven hun-
dred and eighty-four.

Passed the Council Board, this
thirteenth Day of *May*, one
thousand seven hundred
and eighty-four.

By Command,

WILLIAM GILBERT,
Clerk to the Assembly,

JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief, this fourteenth Day of *May*, one thousand seven hundred and eighty-four, and in the twenty-fourth Year of His Majesty's Reign.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published this seventeenth Day of *May*, one thousand seven hundred and eighty-four.

JOHN ROSE, *Deputy Provost Marshal.*

An Act for establishing and regulating a nightly Watch in the Town of Saint John; and for assessing and levying a Tax, on the Proprietors and Inhabitants of Houses in the said Town, to defray the Charges thereof. No. 423. EXPIRED.

Dated 8th July, 1784.

An Act for settling and regulating the Trial of Criminal Slaves by Jury. No. 424. EXPIRED.

Dated 8th July, 1784.

No. 425. N. B. The Whole of No. 325, the Act amended, as far as it remains unchanged, is re-capitulated, and incorporated with this Act.

An Act to alter and amend an Act, intituled, An Act for the better regulating of Buildings, and to prevent Mischiefs that may happen from Fire within the Town of Saint John, dated the first Day of June, in the Year of our Lord one thousand seven hundred and seventy-one.

WHEREAS the Houses and other Buildings in the Town of Saint John, being chiefly built of Wood, are particularly liable to the Danger of Fire: And whereas this Danger is made still more alarming, from the many wooden Kitchens erected within the said Town, and also from the many Ovens or Stoves, which are often erected immediately adjoining to wooden Buildings, and are so negligently set as greatly to endanger the Safety of the said Town, as hath lately been unhappily experienced; in order, therefore, to prevent, as far as may be, such Mischiefs for the future; We, Your Majesty's most loyal and obedient Subjects, the Commander in Chief of Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Majesty's Island Antigua, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, every Kitchen, and every House, Building, or Edifice wherein any Fire shall be used, for the carrying on the Trade of a Blacksmith or Coppersmith, Plumber and Founder, which shall be erected or built within the Limits of the Town of Saint John, shall be erected and built in Manner following, that is to say, The Walls of such Kitchen, House, Building, or Edifice, wherein any Fire shall be used for the carrying on the Trade of a Blacksmith or Coppersmith, Plumber and Founder, shall be built, wholly, of Brick or Stone, and shall be, at least, nine Inches thick, and seven Feet in Height from the Set-off of such Wall; and every such Kitchen shall have a proper and sufficient Chimney, or Fire-place, which shall likewise be built, wholly, of Brick or Stone; the Inside of such Chimney or Fire-place to be plaistered, or pargetted, from the Springing of the Arch to the Top, and shall be raised or carried up four Feet, at least, above the Ridge of the Roof of such Kitchen or Building.

Kitchens and Buildings where Fire is used by Blacksmiths, &c. within Limits of St. John; to be built as in Clause.

Roofs of Buildings used by Blacksmiths,

II. And be it also enacted by the Authority aforesaid, That the Roof of every House, Building or Edifice, wherein any Fire shall be used

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used for the carrying on the Trade or Business of a Blacksmith, or Smiths, &c. to
Coppersmith, Plumber and Founder shall be wholly covered with be covered
Slate or Tile. wholly with
Slate or Tile.

III. And be it also enacted by the Authority aforesaid, That all Chimney Jambs and Backs, that shall hereafter be erected or built, within the Limits of the said Town of *Saint John*, shall be, wholly, of Stone or Brick, at least fourteen Inches, in Thickness, from the Hearth to the Springing of the Arch of such Chimney or Fire-place, and in Depth, at least three Feet, from the Front of such Jamb to the Back of such Chimney or Fire-place; and all Mantles between the Jambs, arched over with Brick or Stone, and that no Wainscot shall be placed, or affixed, to the Front of any Jamb, or Mantle of any Chimney, nearer than six Inches from the Inside of such Jamb or Mantle. Chimney
Jambs, Backs,
&c. regulated.

IV. And be it also enacted by the Authority aforesaid, That the Insides of such Chimnies as shall hereafter be erected or built, within the Limits of the said Town of *Saint John*, shall be, at least, four Feet in Breadth, between the Jambs; and that no Timber shall be nearer than six Inches to any Chimney-funnel or Fire-place. Insides of
Chimnies, &c.

V. And be it also further enacted by the Authority aforesaid, That, from and after the Publication of this Act, all Ovens or Stoves which shall be erected or built, in any Kitchen, within the Limits of the said Town of *Saint John*, shall have a Flue or Funnel made, wholly, of Brick or Stone, (the Inside to be plaistered or pargetted,) which shall enter into, and communicate with the Wing of the Chimney or Fire-place of such Kitchen; or every such Oven or Stove shall have a Flue or Funnel built, wholly, of Brick or Stone, (the Inside to be plaistered or pargetted,) which shall be equal in Height to the Chimney or Fire-place of such Kitchen. Flues of Ovens
or Stoves in
Kitchens, &c.

VI. And be it also enacted by the Authority aforesaid, That, from and after the Publication of this Act, every Oven or Stove which shall be erected or built, within the Limits of the said Town of *Saint John*, and which shall not be erected in a Kitchen, or some other Brick or Stone Building, having a proper and sufficient Chimney or Fire-place, according to the Directions of this Act, shall be erected or built at the Distance of twenty Feet, at least, from any wooden Building or Edifice; and every such Oven or Stove shall likewise have a Chimney or Flue built, wholly, of Brick or Stone, at least, four Inches thick, (the Inside of such Flue or Funnel to be plaistered or pargetted,) which shall be raised or carried up fifteen Feet above the Crown of such Oven or Stove. Flues of Ovens
or Stoves de-
tached, &c.

Kitchens,
Ovens, &c.
Blacksmith's
Workshops,
&c. already
built to be
pulled down
or altered so
as to conform
to Act in 12
Months.

VII. And be it also enacted by the Authority aforesaid, That all Kitchens, Ovens, or Stoves, and also all Houses, Buildings, or Edifices, wherein any Fire shall be used for the carrying on the Trade of a Blacksmith, or Coppersmith, Plumber and Founder, already erected or built within the Limits of the said Town of *Saint John*, and which shall not be erected or built according to the Directions of this Act, shall be pulled down by the Owners or Proprietors of the same, or altered so as to be made conformable to the several Regulations herein-before mentioned and prescribed, within the Space of twelve Calendar Months next after the Publication hereof.

Persons in
Possession of
Buildings
erected con-
trary to Act,
or receiving
the Profits,
deemed the
Proprietors,
and liable to
the Penalties.

VIII. And be it also further enacted by the Authority aforesaid, That the Person or Persons, who shall be in Possession of any Kitchen, House, Building, or Edifice, Chimney, Oven, or Stove, which shall be erected or built, or shall so remain contrary to the Directions of this Act, or shall receive or take the Rents, Issues, and Profits of the same, shall be deemed the Owner or Proprietor thereof; and shall be liable to the Penalties and Punishments, herein-after expressly inflicted against the Owners or Proprietors of such irregular Buildings as aforesaid.

If Proprietors
Absent, their
Attornies or
Agents, or
Persons di-
recting the
Building, or
refusing to
pull it down
liable.

IX. And be it also enacted by the Authority aforesaid, That if the Owners or Proprietors of any Land, whereon any Kitchen, Chimney, Oven, or Stove, shall be erected or built contrary to the Directions of this Act, or whereupon any irregular Kitchen, Chimney, Oven, or Stove, erected or built contrary to the Rules herein-before prescribed, shall remain beyond the Time herein-before limited for altering or removing the same, shall not be resident upon this Island, that then the Attornies or Agents of such Owners or Proprietors, or the Person or Persons who shall direct the building of any such irregular Kitchens, Chimnies, Oven, or Stove, or shall neglect or refuse to pull down or alter the same, within the Time herein-before limited for that Purpose, shall be liable and subject to the same Penalties and Punishments, as the Owners or Proprietors of such Land would have been liable or subject to, if he, she, or they were Inhabitants of this Island.

Tenant pre-
venting Pro-
prietor from
complying
with Act, lia-
ble.

X. And be it also enacted by the Authority aforesaid, That if any Tenant shall refuse to permit and suffer the Owner or Proprietor of any such irregular Building, or his, her, or their Workmen and Servants, at seasonable Times, and in the Day-time, to enter upon the Lands or Buildings in the Occupation of such Tenant, in order to comply with the Rules and Directions herein-before prescribed; or shall

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shall refuse to permit and suffer such Owner or Proprietor, his Workmen or Servants, to alter or pull down such irregular Buildings as aforesaid, every Person or Persons so refusing, shall suffer the same Penalties and Punishments as the Owner or Proprietor of such irregular Buildings, would have been subject and liable to, if he, she, or they had wilfully neglected or refused to pull down or amend the same.

XI. And be it also enacted by the Authority aforesaid, That if any Action, Plaint, Suit, Information, or Indictment, shall, at any Time, be commenced or prosecuted against any Person or Persons, for what he, she, or they shall do in pursuance of, or in Execution of this Act, such Person or Persons, so sued or prosecuted in any Court whatsoever, shall and may plead the General Issue; and, upon any Issue joined, may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become Nonsuit, or suffer Discontinuance, or if a Verdict pass against him or her, the Defendant or Defendants shall recover their treble Costs, for which they shall have the like Remedy, as in any Case where Costs by Law are given to Defendants.

Persons sued for any Thing done under Act, may plead General Issue, and give Act in Evidence; on Prosecution failing to recover treble Costs.

XII. And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for *any one of His Majesty's Justices of the Peace for this Island*, upon Complaint made to him, of any Offence committed, done, or suffered against this Act, to issue a Warrant under his Hand and Seal, directed to the Provost Marshal of this Island, or his lawful Deputy, thereby requiring him to summon such Offender or Offenders, to appear before him *and one other Justice of the Peace*, within two Days after Service of such Summons, to answer the Complaint exhibited against him, her, or them; and if such Offender or Offenders shall not appear within the Time hereinbefore limited, and enter into a Recognizance in the Sum of one hundred Pounds, conditioned for the Observance and Performing of the several Rules and Directions herein-before mentioned and prescribed, within twenty Days after the taking or acknowledging thereof; or if such Offender or Offenders shall appear and deny the Charge, and refuse to enter into the Recognizance aforesaid; that, then, the Justice as aforesaid, upon Proof of the Service thereof, shall and may issue another Warrant under his Hand and Seal, directed to the Provost Marshal, or his lawful Deputy, thereby requiring him to summon twelve good and lawful Men, being Freeholders of the said Town of *Saint John*, to appear at the Court-house in the said Town of *Saint John*, upon the Day and at the Hour in such Warrant mentioned, to

Justice of Peace, on Complaint, to issue Warrant to Provost Marshal to summon Offender against Act, to appear in two Days.

On Offender's not appearing and entering into Recognizance in 100^l. or appearing and refusing Recognizance; Justice to issue another Warrant for Summons of Jury, and Prosecutor's Witnesses.

to enquire of the Truth of the Information exhibited as aforesaid, and also to summon such Person or Persons as the Informer or Prosecutor shall think proper, to appear at the same Time and Place, and give Evidence touching the same.

Justice issuing Warrant to give Notice to other Justice of Peace, six Days before Trial.

Justice not attending, to forfeit 50l.—

XIII. And be it also enacted by the Authority aforesaid, That the Justice who shall issue such Warrant, shall immediately give Notice, in Writing, to *some other Justice of the Peace for the said Island*, of the Time appointed for such Trial: which Notice shall be served at least six Days before the Day of Trial; and if any such Justice shall refuse or neglect to attend, at the Time and Place appointed, not having a sufficient Excuse for such Neglect or Omission, he shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action, Bill, Complaint, or Information, in His Majesty's Court of Common Pleas, or any other Court of Record held for this Island, together with double Costs of Suit; such Penalty to be to the Use of the Person or Persons who shall sue for the same.

Before issuing Warrant for Summons of Jury, Justices to have Oath from Prosecutor stating Belief of Offence complained of.

XIV. And be it also enacted by the Authority aforesaid, That before any Warrant shall be issued to summon the Jurors and Witnesses as aforesaid, the Justice who shall issue the same, shall take the Deposition of the Informer or Prosecutor upon Oath; which shall be signed by the Party making the same, and shall set forth that the Deponent doth verily believe, that the Person or Persons against whom such Complaint or Information is exhibited as aforesaid, have offended against this Act; and such Deposition shall be lodged by the Persons taking the same, in the Secretary's Office of this Island, at least six Days preceding the Day of Trial.

Form of swearing Jury and Witnesses and entering Verdicts.

XV. And be it also enacted by the Authority aforesaid, That the Mode and Manner of trying such Information shall be as follows, that is to say, the Jury summoned to try the same, shall be sworn, by either of the said Justices, well and truly to try the Matter in Question, between the Informer and Defendant, or Defendants, and to give a true Verdict according to the Evidence; and all Witnesses, before they shall be permitted to give any Testimony touching such Information, shall be also sworn, in like Manner, to speak the Truth according to the best of their Knowledge; and all Verdicts found by the Jury, shall be written or indorsed upon the Back of the Information, in the like Manner as is used in the Court of Common Pleas held for the said Island.

Affirmation of Quakers instead of Oaths under Act.

XVI. And be it also enacted by the Authority aforesaid, That the Affirmation or Affirmations of the People called Quakers, shall be allowed and taken, in all Cases where any Oath or Oaths is or are directed

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directed to be taken by this Act, instead of such Oath or Oaths, and shall be administered by the same Person or Persons, as such Oath or Oaths is or are to be administered; and every Person making such Affirmation, who shall be convicted of wilful and false Affirming, shall incur and suffer the same Pains and Penalties, as are inflicted and imposed, by the Common Law of *Great Britain*, upon Persons convicted of wilful and corrupt Perjury.

False Affirmation punishable as Perjury by *British Common Law*.

XVII. And be it also enacted by the Authority aforesaid, That the Person or Persons making such Information, shall be deemed and taken as a good and competent Witness or Witnesses, to prove any Matter or Thing upon the Trial of such Information; and the said Justices, or any two of them, at the Request of the Informer or Defendant, are hereby authorized and required to cause any irregular Building, complained of as aforesaid, to be viewed and measured by the Jury summoned to try the said Information, or any seven of them; and if any Person or Persons shall attempt to hinder such Jurymen, from viewing or measuring the same, such Person or Persons shall be immediately committed to the Common Jail of this Island, by Warrant under the Hands and Seals of the said Justices, there to remain until such View shall have been taken, by the Jury as aforesaid, without Bail or Mainprize.

Informer competent Witness.

Justices, at either Party's Request, to cause Building to be viewed and measured by Jury.

Persons obstructing View or Measurement, to be committed till View taken.

XVIII. And be it also enacted by the Authority aforesaid, That in case any Person or Person shall make Oath, or give Evidence, in any Cause depending before the said Justices according to this Act, whereby he, she, or they shall commit any wilful or corrupt Perjury; and thereof be convicted according to Law; every such Person or Persons, shall incur and suffer the same Pains and Penalties, as are inflicted and imposed, by the Common Law of *Great Britain*, upon Persons convicted of wilful and corrupt Perjury.

Perjury in Cause depending according to Act, to be punished as Perjury by *Common Law of Great Britain*.

XIX. And be it also enacted by the Authority aforesaid, That if any Jurymen or Witness, who shall be summoned to appear before the said Justices in pursuance of this Act, shall neglect or refuse to appear, according to the Direction of the Summons, or, appearing, shall refuse to be examined, on Oath, touching the Premises, and no just Excuse shall be offered for such Neglect or Refusal, every Person so offending, upon Proof on Oath of such Summons having been served on him, her, or them, shall, for every such Offence, forfeit and pay the Sum of twenty Pounds, to be levied and recovered as herein-after directed.

Jurymen or Witness not appearing on Summons, or refusing to be examined on Oath; to forfeit 20*l.* recoverable as in S. 26.

XX. And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for any two Justices of the Peace of this

Power to any two Justices of Peace to hear and

and determine
Offences un-
der Act; and,
on Conviction
of Defendant,
to issue War-
rant for his
Imprisonment
by Marshal, till
Fine paid.

If Justices or
Jurymen fail
to appear, or
Informer
makes Oath
material Wit-
ness is absent,
Justice to ad-
journ Hearing
not exceeding
seven Days.

Justices, if De-
fendant found
guilty by Jury,
to impose
Fine of 50l.
max. 10l. min.
recovered as
in S. 26. but
applied by
Treasurer as
Legislature
directs.

Defendant
also to pay
Fees in Clause.

this Island, to hear and determine all Offences committed against this Act; and upon Trial of any Information, if the Jury shall find the Defendant or Defendants guilty of the Offence or Offences charged against him, her, or them, to issue a Warrant under their Hands and Seals, directed to the Provost Marshal of this Island, thereby commanding him to take the Body or Bodies of such Defendant, or Defendants, and keep him, her, or them confined in the Common Jail of this Island, until he, she, or they shall have paid into the Hands of the Treasurer of this Island, or his lawful Deputy, the Sum or Sums of Money specified in such Warrant; and upon a Certificate, under the Hand and Seal of such Treasurer, or his lawful Deputy, that the Person or Persons so confined, have paid such Penalty or Forfeitures, he, she, or they shall be immediately discharged.

XXI. And be it also enacted by the Authority aforesaid, That if a sufficient Number of Justices, or Jurymen, shall not appear at the Day appointed to try the Information; or if the Informer or Prosecutor shall declare, upon Oath, that a material Witness or Witnesses having been duly summoned, is or are absent; that then the said Justices, or any one of them, shall adjourn the further Hearing of such Information or Complaint, for any Number of Days not exceeding seven Days, and so from time to time as Occasion shall require; and such Witnesses or Jurymen, neglecting or refusing to attend at the Time appointed by such Adjournment, shall incur and pay the same Penalties and Forfeitures, as if he, she, or they, had neglected or refused to attend upon the original Summons.

XXII. And be it also enacted by the Authority aforesaid, That if the Jury, upon such Trial, shall find the Defendant or Defendants guilty of the Offence charged in the Information, that then such Defendant or Defendants, so convicted as aforesaid, shall forfeit and pay such Sum of Money, as the said Justices shall think proper, so as such Sum do not exceed fifty Pounds, and be not under ten Pounds, to be levied and recovered in Manner herein-after mentioned; such Penalty or Forfeiture to be paid into the Hands of the Treasurer of this Island for the time being, to be applied to such Uses as the Legislature of this Island shall direct and appoint; and such Defendant or Defendants shall likewise pay the Cost and Charges following, that is to say, *To each of the said Justices the Sum of three Pounds six Shillings*, to the Provost Marshal or his Deputy, for each Person he shall summon, the Sum of three Shillings, and, for attending the Trial, the Sum of three Pounds; to the Secretary, for receiving and filing each Deposition or Information, the Sum of three Shillings;

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Shillings; for attending the Trial, the Sum of three Pounds; and to each Juryman the Sum of seven Shillings and six Pence: Which said Fees or Sums of Money shall be paid by the Treasurer of this Island for the time being, on an Order signed by the said Justices present at the Trial, and shall be added to, and recovered together with the Penalty herein-before imposed upon the Defendant or Defendants: And, if upon such Trial, the Jury shall find the Defendant or Defendants not guilty, then the same Fees shall be paid by the Treasurer of this Island, upon a like Order, under the Hands and Seals, of the said Justices present at the Trial; which Orders or Warrants, with a Receipt or Receipts thereon indorsed, shall be a sufficient Voucher for the Treasurer, in passing his Public Accounts.

If Defendant
acquitted, Fees
to be paid by
Treasurer, &c.

XXIII. And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Justices, sitting upon the Trial, or hearing any Complaint or Information prosecuted according to the Direction of this Act, to punish all Contempts committed against them; by imposing upon such Offender or Offenders, any Fine or Penalty not exceeding five Pounds; and to commit such Offender or Offenders to the Common Jail of this Island, there to remain without Bail or Mainprize, until he, she, or they shall have paid the same.

Justices may
punish Con-
tempt by Fine
not exceeding
5*l*.; or Im-
prisonment
till Payment.

XXIV. And be it also enacted by the Authority aforesaid, That the said Justices, or any two of them, shall, by Warrant under their Hands and Seals, order and direct the Provost Marshal of this Island, to pull down and demolish, all such irregular Buildings which a Jury, upon any Information exhibited and prosecuted as aforesaid, shall find to have been erected or continued contrary to the Directions of this Act, within ten Days after the Delivery or Notice of such Order or Warrant; and if any Person or Persons shall resist the said Marshal, or his lawful Deputy, or those employed by him for that Purpose, in the Execution of such Order or Warrant; or if such Provost Marshal, or his Deputy, shall refuse or neglect to execute such Order or Warrant; he, she, or they so offending, shall forfeit and pay the Sum of fifty Pounds for each Offence, to be paid to the Informer, and recovered by Warrant of any of the said Justices, who is hereby authorized and required to commit such Offender or Offenders to the Common Jail of this Island, until he, she, or they shall pay the same.

Justices may
direct War-
rant to Mar-
shal to pull
down, in ten
Days, Build-
ings found by
Jury to be
irregular.

Marshal neg-
lecting, or
Person resist-
ing him, to
forfeit 50*l*. to
Informer, &c.

XXV. And be it also enacted by the Authority aforesaid, That the Costs Charges, and Expenses attending the Execution of any

Costs of de-
molishing ir-
regular Build-
ings

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Warrant,

ings to be paid
by Treasurer
on Order from
Justices.

Warrant, issued for the pulling down or demolishing of any irregular Building as aforesaid, shall be paid by the Treasurer of this Island, upon an Order under the Hands and Seals of the said Justices, or any two of them; which Order, with a Receipt thereon indorsed, shall be a sufficient Voucher for the Treasurer in passing his Public Accounts.

Penalties on
Jurymen or
Witnesses, to
be recovered
by Warrant to
Marshal, di-
recting their
Confinement
till Payment
of Penalty.

XXVI. And be it also enacted by the Authority aforesaid, That all Penalties or Forfeitures, imposed upon the Jurymen or Witnesses, for neglecting or refusing to attend according to the Direction of this Act, shall be recovered by a Warrant, under the Hand and Seal of the Justice before whom the original Complaint or Information was exhibited, directed to the Provost Marshal, or his lawful Deputy, thereby requiring him to take the Body or Bodies of such Offender or Offenders, and keep him, her, or them confined in the Common Jail of this Island, until he, she, or they shall have paid the Sum or Sums of Money specified in such Warrant; which said Sum or Sums of Money are to go, and be paid to and among such of the Jury, as shall appear at the Time appointed by such Summons or Adjournment; and if none of such Jury shall appear, then the Informer or Prosecutor, and the Provost Marshal, or his lawful Deputy, is hereby authorized, upon Receipt of the said Sum or Sums of Money, to discharge the Person or Persons paying the same, out of his Custody.

Slaves throw-
ing Rubbish
in Streets of
St. John, on
Proof, to be
whipped.

XXVII. And whereas it hath been lately a Practice for Slaves to throw Cane-trash, and other Rubbish, in many Parts of the Town; whereby, it is apprehended, such Places may be easily subjected to dangerous Fires; be it therefore enacted by the Authority aforesaid, That if any Negro or other Slave shall throw any Cane-trash, Straw, Hay, or any other Rubbish or Dung, in any of the Streets, Lanes, Alleys, or any unbuilt Parts of the Town of *Saint John*; such Slave shall be publicly whipped, by Order of any one of His Majesty's Justices of the Peace for the Island, upon Complaint, and Proof thereof made, to such Justice; and upon Detection, by a Magistrate, of any Trash or Rubbish being thrown in the Public Streets or Lanes by any Slave or Slaves, the said Magistrate shall immediately Order the said Slave or Slaves, so detected, to be punished at the Discretion of the said Magistrate.

Justice detect-
ing Slave, may
order Punish-
ment.
See No. 556,
S. 10. 11.

XXVIII. And whereas many Inconveniencies do, and the most fatal Consequences may arise from the impolitic Practice of Shopkeepers and Hucksters keeping their Shops open at all Hours of the Night, and also from the dangerous Custom, which prevails among
the

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the free Mulattoes, Negroes, and Slaves, of selling Goods and Merchandizes, at Night, by Candle-light, in the Streets of *Saint John*, to the perpetual Alarm and Apprehension of the Inhabitants of the said Town: For Remedy and Prevention thereof, it is hereby further enacted by the Authority aforesaid, That, from and after the Publication of this Act, no Shopkeeper or Huckster, shall sell or dispose of any Goods, Wares, or Merchandizes whatsoever, to any free Mulattoes, Negroes or Slaves, after ten of the Clock at Night, upon Forfeiture of five Pounds, to be recovered before any Magistrate of the said Island, upon due Proof and Conviction of the said Offence: And that no free Mulattoes, Negroes, or Slaves shall sell or dispose of any Goods, Wares, Merchandizes, Provisions, or Fruit, in any Street, Alley, Lane, Market, or other Place in the Town of *Saint John*, at Night, by Candle-light or Lamp-light: Any free Mulatto, Negro, or Slave, offending against this Act, shall be punished by a Forfeiture of his or her Goods, with whatever they shall be contained in, to be recovered before the next Justice of Peace, who shall award one half of the same to the Poor of the Parish of *Saint John* in the said Island, and the other half to the Informer.

Shopkeeper
or Huckster
selling Goods,
&c. to free
Mulattoes,
Negroes or
Slaves, after
ten at Night,
to forfeit 5*l*.

Free Mulat-
toes, &c. sel-
ling Goods in
Streets of *St.*
John, by
Candle-light,
to forfeit
Goods, Pack-
ages, &c. half
to Poor; half
to Informer.

XXIX. And be it also enacted by the Authority aforesaid, That if any of the said Justices, shall refuse to receive any Complaint or Information, against any Person or Persons, for any Offence committed against this Act, or shall refuse or neglect to proceed upon the same; such Person or Persons, so offending, shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action, Bill, Plaint, or Information, with double Costs, in His Majesty's Court of Common Pleas, or any other Court of Record held for this Island; such Penalty to be to the Use of the Person or Persons who shall sue for the same.

Justice refus-
ing to proceed
upon Com-
plaint, to for-
feit 50*l*. with
double Costs,
&c. to Person
suing.

XXX. And be it also enacted by the Authority aforesaid, That all Recognizances taken by Virtue of this Act, shall be immediately returned into the Secretary's Office; and, upon Proof being made to the Court of King's Bench and Grand Sessions of the Peace, held for this Island, that the Person or Persons, entering into such Recognizance, have broken or forfeited the same; such Recognizances shall be proceeded upon, in like Manner as other Recognizances are, by Law, directed to be prosecuted and recovered.

Recogni-
zances to be
returned into
Secretary's
Office; being
broken, to be
put in Process
as other Re-
cognizances.

Dated at *Antigua*, the second Day of *September*, one thousand seven hundred and eighty-four, and in the twenty-fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace

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Nis. 425, 426.

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of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the twenty-fifth Day of *February*, one thousand seven hundred and eighty-four.

Passed the Council Board, this eighth Day of *July*, one thousand seven hundred and eighty-four.

WILLIAM GILBERT,
Clerk of the Assembly.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

Assented to by the Governor in Chief, the second Day of *September*, one thousand seven hundred and eighty-four, and in the twenty-fourth Year of His Majesty's Reign.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published this third Day of *September*, one thousand seven hundred and eighty-four.

JOHN ROSE, *Deputy Provost Marshal.*

No. 426. *An Act for extending to this Island, certain Clauses of an Act of Parliament, made at Westminster, in the second Year of the Reign of our late Sovereign Lord George the Second, and revived and made perpetual by one other Act, made in the ninth Year of His said late Majesty, intituled, An Act for the more effectual preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities*

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Securities for Payment of Money ; and also for extending to this Island, an Act of Parliament made at Westminster, in the seventh Year of His said late Majesty, intituled, An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange, or the Numbers, or Principal-sums of Accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants and Orders for Payment of Money, or Delivery of Goods, and declaring the same to be in force.

WHEREAS a certain Act of Parliament made at Westminster, in the second Year of the Reign of our late Sovereign Lord George the Second, and revived and made perpetual by one other Act, made in the ninth Year of His said late Majesty, intituled, *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury ; and to make it Felony to steal Bonds, Notes or other Securities for Payment of Money*, and one other Act of Parliament, made at Westminster, in the seventh Year of the Reign of our said late Sovereign Lord George the Second, intituled, *An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange, or the Numbers, or Principal-sums of Accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants and Orders for Payment of Money or Delivery of Goods*, now in force in England, have been found beneficial Laws, and it is apprehended, that the first and fifth Sections of the first mentioned Act, and the Whole of the last mentioned Act, if extended to this Island, will tend greatly to the Prevention of the pernicious and enormous Crime of Forgery ; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor of Your Majesty's Leeward Caribbee Islands, and the Council and Assembly of this Your Majesty's Island Antigua, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained ; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first and fifth Sections of the said Act, intituled, *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation*

PREAMBLE.

ACT.
First and fifth
Sections of
2. GEO. II.
Cap. 25, and
the Whole of
7.

24th GEO. III.

No. 426.

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7. GEO. II.
Cap. 22, of
the British
Statutes; to be
in force in An-
tigua.

Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, now in force in England, and every Matter and Thing therein contained, and the said last mentioned Act, intituled, An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange, or the Numbers, or Principal-sums of Accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants and Orders for Payment of Money or Delivery of Goods, and every Thing therein contained; shall, from and after the Publication hereof, be in full force and Power in this His Majesty's Island Antigua; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Dated in *Antigua*, this eighteenth Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-four, and in the twenty-fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed the Assembly, the thirteenth Day of *May*, one thousand seven hundred and eighty-four.

Passed the Council Board, this fourteenth Day of *October*, one thousand seven hundred and eighty-four.

WILLIAM GILBERT.
Clerk of the Assembly.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

Assented to by the Governor in Chief, this eighteenth Day of *October*, one thousand seven hundred and eighty-four.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published this nineteenth Day of *October*, one thousand seven hundred and eighty-four.

JOHN ROSE, *Deputy Provost Marshal.*

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APPENDIX to No. 426.

I.

FIRST AND FIFTH CLAUSES OF 2 GEO. II. CAP. 25. OF THE
STATUTES OF GREAT BRITAIN.

I. **BE** it therefore enacted, That if any Person, from and after the twenty-ninth Day of *June*, in the Year of our Lord one thousand seven hundred and twenty-nine, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting any Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person whatsoever; or shall utter or publish as true, any false, forged, or counterfeited Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or Promissory Note for Payment of Money, Acquittance, or Receipt, either for Money or Goods, with Intention to defraud any Person, knowing the same to be false, forged, or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

Forging Deed,
&c. Felony
without Cler-
gy.

V. Provided always, and it is hereby further enacted by the Authority aforesaid, That no Attainder for any Offence hereby made Felony, shall make or work any Corruption of Blood, Loss of Dower, or Disherison of Heirs.

No Attainder
for Offence
under Act to
corrupt the
Blood.

II.

7 GEO. II. CAP. 22. OF THE STATUTES OF GREAT BRITAIN.

An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange, or the Numbers or principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money, or Delivery of Goods.

WHEREAS in and by an Act of Parliament, made in the second Year of His present Majesty's Reign, intituled, An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, it is, amongst other Things, enacted, That if any Person from and after the twenty-ninth Day of *June*, in the Year of our Lord one thousand seven hundred and twenty-nine, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting any Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person whatsoever, or shall utter or publish as true, any false, forged, or counterfeited Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement

PREAMBLE.

or

ACT.
After 24th
June, 1734,
forging or al-
tering Accept-
ance of Bills of
Exchange, or
Sums of Ac-
countable Re-
ceipts, &c.
Felony with-
out Clergy.

or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, Acquittance, or Receipt, either for Money or Goods, with Intention to defraud any Person, knowing the same to be false, forged, or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy: And whereas no Punishment is inflicted by the said Act upon any Person who shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging, or counterfeiting any Acceptance of any Bill of Exchange, or the Number or principal Sum of any accountable Receipt for any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery of Goods, or who shall knowingly utter or publish the same as true; be it therefore enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That if any Person from and after the twenty-fourth Day of June, one thousand seven hundred and thirty-four, shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging, or counterfeiting any Acceptance of any Bill of Exchange, or the Number or principal Sum of any accountable Receipt for any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery of Goods, with Intention to defraud any Person whatsoever, or shall utter or publish as true, any false, altered, forged, or counterfeited Acceptance of any Bill of Exchange, or accountable Receipt for any Note, Bill, or other Security for Payment of Money, or Warrant or Order for Payment of Money, or Delivery of Goods, with Intention to defraud any Person, knowing the same to be false, altered, forged, or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

No. 427. *An Act for reviving and further continuing an Act, intituled, An Act to regulate the Guage of Madeira Wine, and Wines of the Growth of the Western Islands.*

Dated 18th October, 1784.

No. 428. *An Act for the Prevention of Damages to the Harbour of St. John in this Island; for appointing an Harbour-Master thereto; and for regulating his Duty.*

CONTINUED
AND AMEND-
ED by Act of
22d May,
1802, (No.
564.)

PREAMBLE.

WHEREAS an Act, intituled, *An Act for further Prevention of Damages to the Harbours and for appointing Harbour-masters*, dated the twenty-third Day of May, one thousand seven hundred and sixty-

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sixty-six, and one other Act, intituled, *An Act to amend an Act, intituled, An Act for the further Prevention of Damages to the Harbours; and for appointing Harbour-masters*, dated the fourteenth Day of May, one thousand seven hundred and sixty-seven, together with the several Acts for continuing, altering, and amending the same, are now expired: And whereas the Remedies pointed out by the said Acts, have been found greatly deficient in answering the valuable Purposes for which they were intended, of giving additional Encouragement to the Trade, and of promoting, with Effect, the Interest, Welfare, and Reputation of this Island, in the Preservation of its principal Harbours, on which that Interest, Welfare, and Reputation chiefly depend: And whereas from the little Intercourse, now subsisting, between this Island and *North America*, the Vessels from which frequently resorted thereto, the Harbour of *Parham* has been, of late Years, in a great Measure deserted, so as almost to render the Office of Harbour-master at that Port a Sinecure: And whereas the present Abuses, and daily Injuries, committed in the Harbour of *Saint John*, require great, immediate, and effectual Redress, to secure its very Existence as a Port; and, in consequence, that of this Island as a Colony; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, it shall and may be lawful to and for the Governor in Chief, the Lieutenant Governor, or President of this Island, being Commander in Chief of this Island for the time being, to name and appoint one known and reputable Inhabitant of this Island, being a Person bred to the Sea, and otherwise sufficiently skilled and qualified to take Charge of the Port and Harbour of *Saint John*, including therein the Cove; and, from time to time, to remove such Person so to be appointed Harbour-master, and to appoint another, under the Qualifications herein mentioned, Harbour-master in his stead.

II. And it is hereby further enacted and ordained by the Authority aforesaid, That such Harbour-master, legally appointed under this Act, shall have, and he is hereby invested with full Power and Authority to inspect and take Cognizance of every Abuse; and to visit all Ships or Vessels, having Ballast or Rubbish to land; and to inspect and oversee the landing thereof, from any Ship or Ships,

Act.
Commander
in Chief of
Antigua, to
appoint Per-
son bred to
the Sea, as
Harbour-mas-
ter.

Powers of
Harbour-mas-
ter.

Ballast landed, to be thrown on East Part of *Rat* Island, twenty Feet above High-water-mark. Exception.

Persons landing Ballast nearer High-water-mark than twenty Feet, to forfeit 50l.

Stealing Ballast same Penalty.

By No. 564, S. 5. Fine may be mitigated to 5l. min.

Fines to be recovered in a summary Way before two or more Justices on Oath.

Justice refusing to proceed on Complaint under Act, to forfeit 100l. with Costs.

Informer, if nonsuit, to pay Costs.

Vessel or Vessels in the Harbour, Port, or Cove aforesaid: And he shall see and direct that the same be landed and thrown on the East Part of *Rat* Island, twenty Feet above High-water-mark; except such as shall be removed from one Vessel to another Vessel wanting Ballast; or such as shall be landed upon any Public Wharf in the Town of *Saint John*, for the Purpose of repairing old Wharfs, or for the immediate Erection of new ones, or for any other Uses on Shore.

III. And for the more effectual Prevention of Delinquencies and Offences against this Act, be it further enacted, That if any Person or Persons shall land or throw, any Ballast or Rubbish nearer High-water-mark than twenty Feet, such Person or Persons, and each and every of them, so offending, shall forfeit and pay fifty Pounds, current Money of this Island; and if any Person or Persons shall steal or carry away any Ballast or Rubbish from *Rat* Island, or from the other Places appointed for receiving the Ballast, after the same shall be landed, such Person or Persons, and each and every of them, shall forfeit and pay the like Sum of fifty Pounds, current Money as aforesaid; both which Sums of fifty Pounds shall be recovered, in a summary Way, before two or more Justices of the Peace for this Island, on Complaint made upon Oath; which Justices are hereby required to take immediate Cognizance of the same without Fee or Reward: And in case any Justice or Justices shall (upon Information that any Ballast or Rubbish has been thrown or landed, contrary to the Direction and Intention of this Act, or that the same has been stolen or carried-away after being landed) refuse or neglect to hear and determine the same; he or they so refusing or neglecting, and each of them, shall forfeit and pay one hundred Pounds, like current Money aforesaid, to be recovered in any Court of Record in this Island, by Bill, Complaint, Action, or Information, whereon full Costs shall be recovered by the Complainant or Informer; and such Complainant or Informer shall pay Costs, if he become nonsuit, or discontinues his Suit, or if Judgment goes against him on Verdict, Demurrer, or otherwise; and herein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

IV. And whereas it has often happened, when Vessels have sunk in the Harbour of *Saint John*, that for want of a proper public Officer speedily to inspect and take Cognizance thereof, so as to oblige the Owners or Proprietors of such sunken Vessels, to weigh and remove them in due Time, many Vessels have remained sunken, to the great Damage of the said Harbour, the Injury of the Shipping, and

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and Interruption of Trade, as such sunken Vessels fill with Mud and Gravel, and also accumulate Banks round them; which must contribute to lessen the Depth of Water; be it therefore enacted and ordained by the Authority aforesaid, That the Harbour-master for the time being, or his lawful Deputy, (to be appointed in Manner as hereinafter directed,) shall, immediately after his Appointment, take Cognizance of all and every such Abuses in the Port and Harbour of *St. John*, including the Cove: And if any Person or Persons being Owner or Owners, Proprietor or Proprietors, Purchaser or Purchasers of any Vessel, so sunken in any Part of the said Port, Harbour, or Cove, shall suffer them to remain for the Space of two Calendar Months, after being directed by the Harbour-master, or his Deputy, to remove them, (who are hereby required to give such Direction in Writing,) the Owner or Owners, Proprietor or Proprietors, Purchaser or Purchasers of the said Vessels shall be proceeded against in like Manner, as in the case of throwing Ballast or Rubbish into the Harbour, and shall be fined *fifty Pounds*, current Money, for the first Offence; and if such Vessel shall be suffered to remain more than two Calendar Months without Removal, then the Owner or Owners, Proprietor or Proprietors, Purchaser or Purchasers of such Vessel shall be fined fifty Pounds for every Month, such Vessel shall remain unremoved, after the Expiration of the said first two Months; and so in Proportion, for less than a Month; such Fines to be recovered by Complaint of the Harbour-master, or his Deputy, in the same Manner as the Fine for heaving Ballast or Rubbish: And the said Harbour-master, or his Deputy, is hereby authorized and required, to present all such Nuisances as arise within his Cognizance, before two or more Justices of the Peace; and, after Order of such Justices thereon, to see the same removed as aforesaid.

V. And be it enacted, That, from and after the Publication of this Act, all Vessels to be hove-down for the Purpose of cleaning or repairing their Bottoms, shall go into that Part of the Harbour called the Cove; and all Hulks and Stages kept for such Purpose shall be moored in the Cove, and no where else in the said Harbour; and in case any Person or Persons shall heave-down or clean the Bottom of any Vessel or Vessels, in any other Part of the said Harbour; or shall keep a Hulk or Hulks, for that Purpose, in any other Part but the Cove, he or they shall forfeit and pay for each Offence the Sum of fifty Pounds, current Money of said Island, to be recovered in the same Manner as the former Fines imposed by this Act.

3 U 2

VI.

Harbour-master to see that sunken Ships do not remain.

Proprietor suffering Vessel, to remain sunk for two Months, after Direction from Harbour-master to remove it, to forfeit 50*l.*; for every Month after first two Months, 50*l.*

By No. 564, S. 5. Fine may be mitigated to 5*l.* min.

Fines to be recovered on Complaint of Harbour-master, as Fines 50*l.* in S. 3.

Harbour-master to present Nuisances to Justices, &c.

Vessels to be hove-down for Repair exclusively in Cove, &c.

By No. 564, S. 2. Vessels not exceeding sixty Tons may be hove-down for Repair, at Shipwright's or private Wharf in Harbour of *St. John*.

Harbour-master not to suffer Wharfs to run into Harbour beyond Limits of Grant.

Proprietors of Wharfs exceeding legal Limits, to forfeit 50% recoverable as first Penalty in S. 2.

Harbour-master to regulate Moorings,

Mode of disposing Booms, &c.

Master of Vessel not complying with Clause, when required by Harbour-master; to forfeit 10%.

Harbour-master to see Mooring-anchors laid due South of Anchors placed to bring-up by.

Commander neglecting so to moor, when required by Harbour-master; to forfeit 10%.

Commanders of Vessels not keeping Buoy fixed to each Anchor, to forfeit 50%.

VI. And be it enacted by the Authority aforesaid, that the Harbour-master, or his lawful Deputy, shall not suffer any Wharfs to be carried-out further into the Harbour than by the Proprietor's Grant is particularly specified and described; and any Proprietor or Proprietors, who shall so run-out his or their Wharf or Wharfs further than they are legally authorized to do, shall, upon Conviction of such Offence, be subject to the same Penalty inflicted on Persons who shall throw Ballast or Rubbish into the said Harbour; to be recovered in the same Manner: And the said Harbour-master or his Deputy shall take Cognizance of, and prevent the mooring of any Boats, Rafts, Stages, or Spars under the Sterns of Vessels lying in the Harbour, except at the Time when such Boats, Rafts, or Stages are employed in the unloading, repairing, or other necessary Services of the Ship or Vessel to which they are moored; and he shall not suffer any Vessel, after being at Anchor twenty-four Hours, to have any Booms rigged-out to a Length that may impede the Navigation of the Harbour: And if the Commander of any Ship or Vessel shall, in any wise, refuse or neglect to comply with the Provisions of this Clause, after being thereto required by the Harbour-master, or his Deputy, such Commander, so refusing or neglecting, shall be fined ten Pounds; to be recovered in the same Manner as the former Fines imposed by this Act.

VII. And be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after the Publication of this Act, it shall and may be lawful for the Harbour-master, or his Deputy, to oblige the Commander of Vessels coming into Port, to lay their Mooring-anchors, as near as may be, due South of the Anchors they bring-up by; and to continue them so, during the Time such Vessels shall remain in Port; and in case any Commander shall refuse or neglect to moor his Vessel in the Manner hereby directed, after being duly required thereto by the Harbour-master, or his Deputy, he shall forfeit and pay the Sum of ten Pounds; to be recovered in like Manner as the other Fines imposed by this Act.

VIII. And be it further enacted, That the Commanders of all Vessels lying at Anchor in any of the Ports or Harbours of this Island, shall, and are hereby required to keep a Buoy constantly fixed to each Anchor they have out, under Pain of forfeiting fifty Pounds for each Neglect; to be recovered in the like summary Method, as the other Fines and Forfeitures imposed by this Act.

IX. And whereas great Inconveniencies have arisen to the Inhabitants, and the Trade of this Island hath greatly suffered from small Craft

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Craft lying in the Harbour, with their Sails bent, without having any Person on Board; and likewise from Rowing-boats being left unchained at the Wharfs without any Person to take charge of them, which have frequently served the pernicious Purpose of enabling Debtors and Prisoners to make their Escape, and defraud their just Creditors, by retiring with their Slaves and Effects to the Sanctuary of the *Dutch, Danish*, and other Islands not subject to the Crown of *Great Britain*; to our national Injury, and their own lasting Shame: For the more effectual Prevention of this Evil in future; be it enacted by the Authority aforesaid, That the Harbour-master, or his lawful Deputy, shall have full Power and Authority, to inspect and take Cognizance of all Craft and Rowing-Boats in the Port and Harbour, including the Cove; and, upon Discovery, or Information, and Proof of their being so left neglected as aforesaid after eight of the Clock at Night, the Master of any Craft so left, if a White Person, shall forfeit twenty Shillings for each Offence; and if there be no White Master, then the Owner or Owners thereof shall be fined forty Shillings for each Neglect; and the Owner of a Rowing-boat, for every such Neglect, shall forfeit ten Shillings, to be recovered by the Justice's Warrant, who shall hear and determine the Offence; and in case the Master or Owner of such Craft or Rowing-boat shall refuse to pay the said Fine, he or she shall be committed to the Common Jail of this Island, there to remain without Bail or Mainprize; any Law, Usage, or Custom, to the contrary notwithstanding.

Harbour-master to see that Craft and Rowing-Boats are not left unchained after eight at Night.

Master so leaving them, if a White, to forfeit 20s.:

If Boat left be without White Master, Owner, to forfeit 40s. or be committed.

Harbour-master to see that no dead Bodies are thrown into Harbour.

Offenders liable to first Penalty in S. 2.

Harbour-master not to act till sworn.

Oath.

X. And be it further enacted by the Authority aforesaid, That the Harbour-master, or his Deputy, shall take care, that no dead Bodies be hereafter thrown into any Part of the Harbour; and if any Person or Persons shall be convicted of such Offence, he or they, so convicted, shall be fined in the same Sum as Persons who shall throw Ballast, or Rubbish, into the Harbours: to be recovered in the same Manner.

XI. And be it further enacted, That the Person who shall be appointed Harbour-master, shall not be deemed qualified to execute his Office, until he has been duly sworn before the Governor in Chief, the Lieutenant Governor, or President and Council, in the Words following, viz.

I A. B. do solemnly swear on the Holy Evangelists of Almighty God, that I will well and truly serve our Sovereign Lord the King and the Inhabitants of this Island, and all His Majesty's liege Subjects, trading to the Port of Saint John, so far as respects my Office of Harbour-master of

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of the said Port, so long as I shall continue in the same Office, to the best of my Skill and Knowledge, and that I will, from time to time, examine the said Harbour and take Cognizance of all Wrecks and Vessels, dead Bodies, Ballast and other Rubbish, which may be thrown into or sunken in the said Harbour; and make Report thereof to one of His Majesty's Justices of the Peace in twenty-four Hours after Discovery thereof without Favor or Affection, Malice, Ill-will, or Resentment to any, but justly and faithfully will execute my Office according to the Law of this Island in that Case made and provided.

SO HELP ME GOD.

Harbour-master, to give Bond to Secretary in the King's Name; in 300*l.* with two Securities in 150*l.* each; for faithful Discharge of Office.

Secretary's Fee 1*l.* 18*s.*

Money recovered on Bond, to go to Public Treasury.

Power to Harbour-master to appoint Deputy. Deputation to be recorded.

Deputy's Oath.

XII. And be it further enacted by the Authority aforesaid, That the said Harbour-master shall not be deemed qualified to execute his said Office, until he has first given Bond, with two good Securities, to our Sovereign Lord the King, His Heirs and Successors; wherein he shall, himself, become bound in the penal Sum of three hundred Pounds, current Gold and Silver Money of this Island; and each of his Securities, in the penal Sum of one hundred and fifty Pounds, like Money; conditioned for his just and faithful Administration of, and Diligence in his said Office; which Bond shall be recorded in the Secretary's Office of this Island: And the Secretary, or his lawful Deputy, shall, and is hereby authorized and required, to prepare and take the said Bond, for which, and for recording and giving a Certificate thereof, he shall be entitled to, and receive out of the Public Treasury of this Island, the Sum of one Pound, eighteen Shillings, current Money, and no more: And the said Bond, in case of any Breach in the Condition thereof, shall be sued for by Order of the Governor or Commander in Chief, Lieutenant Governor or President, and Council and Assembly of this Island; and the Monies which shall be recovered thereon, shall be paid into the Hands of the Treasurer, to be applied towards defraying the Public Services of this Island.

XIII. And be it further enacted, That the said Harbour-master shall have Authority to appoint one Deputy, for the better performing the Business of the said Office; which Deputation shall be in Writing, under the Hand and Seal of the said Harbour-master; and shall not take effect, till recorded in the Secretary's Office of this Island; and the said Deputy shall also, on his Part, take the foregoing Oath, with the following Alteration: that, instead of the Words *so far as respects my Office of Harbour-master of the said Port, so long as I shall continue in the same Office*, he shall say, *so far as respects*

24th GEO. III.

No. 428.

A. D. 1784.

respects my Office of Deputy Harbour-master of the said Port, so long as I shall continue in the same Deputation.

XIV. And be it enacted and ordained, That in case the said Harbour-master, or his Deputy, or either of them, shall, at any Time, illegally do or perform any Thing in their said Office, to the Prejudice of any Person or Persons whatsoever, he, or they, or either of them, so offending, shall pay double Damages, and double Costs, on due Proof made, to be recovered in any Court of Record in this Island, by Bill, Complaint, Action, or Information; wherein no Essoign, Protection, or Wager of Law, or more than one Imparllance shall be allowed: and all such Recoveries shall be and enure to the Use of the Person or Persons damnified, and not otherwise.

Harbour-master, or Deputy, acting illegally; to forfeit double Damages and double Costs:

recoverable by Action or Information.

XV. And be it further enacted, That the said Harbour-master shall be paid the Sum of one hundred Pounds, Currency, a Year, and so in Proportion for less than a Year, as for his Salary, out of the Public Treasury of this Island; and the Treasurer, or his lawful Deputy, is hereby authorized and directed, to pay such Salary, by even half-yearly Payments: and this Annuity or yearly Salary is hereby declared to be, in full Compensation for Boats, and Men to row them, on the Services required by this Act.

Harbour-master's Salary 100*l.* per Annum, payable by Treasurer half-yearly: in full Compensation for Boat-men, &c.

XVI. And be it further enacted by the Authority aforesaid, That the Harbour-master under this Act to be appointed, shall be obliged to produce, within three Days after entering into the Bond aforesaid, a Certificate under the Hand of the Secretary of the said Island, or his lawful Deputy, that such Bond and Securities, hereby directed, have been entered into and duly recorded; which Certificate shall be delivered to, and lodged in the Hands of the Treasurer for the time being: And the said Treasurer is hereby required and directed, upon Information of any Neglect of Duty in the said Harbour-master, to lay such Information, in as short Time as conveniently may be, before the Governor or Commander in Chief, Lieutenant Governor or President, and Council and Assembly of this Island; in order that such Neglect of Duty may be properly punished, under the Penalty of the aforesaid Bond, agreeable to the Intention of this Act.

Harbour-master, in three Days after Bond, to produce Certificate from Secretary, of its being recorded.

Treasurer to lay Information against Harbour-master for Neglect of Duty.

XVII. And be it further enacted, That all Fines, Fees, or Monies imposed by Virtue of this Act, and not particularly specified how to be levied and recovered, shall be levied and recovered, if under five Pounds, by Warrant under the Hand and Seal of one or more Justices of the Peace, directed to any Constable, for Distress and Sale of the Offender's Goods; and for Want of Goods whereon to levy, the Offenders to be committed to the Common Jail of this Island, there

Penalties and Fees not before provided for, to be levied and recovered, if under 5*l.* by Warrant of Justice; if above 5*l.* by Warrant of Justices.

to

24th GEO. III.

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For want of
Distress, Of-
fender to be
imprisoned.

Fines to go,
half to In-
former, half
to Treasury.

Persons ag-
grieved may
appeal.

Penalty for
frivolous Ap-
peal not to
exceed double
Fine before
inflicted, with
treble Costs
and Damages.

Act a public
Act.

In force by
No. 564, S. 1.
for three
Years from
22d May,
1802; and,
thence, till the
next Meeting
of the Legis-
lature.

to remain until their Fine be paid, together with all Costs attending the Commitment and Discharge: and all Fines above five Pounds shall be levied, by Warrant under the Hands and Seals of two or more Justices of the Peace, directed to the Provost Marshal, or his lawful Deputy, for Distress and Sale of the Offender's Goods; and for Want of such Goods to be committed to the Common Jail, there to remain until the Fine and Jail Fees are paid: and all Monies, arising from Fines laid and imposed by this Act, and not already disposed of, shall go and enure, the one half to the Informer, and the other half to the Public Treasury of this Island; to be disposed of, and applied to such Services, as the Legislative Body of this Island shall think fit and direct: Provided always, that if any Person shall think him or herself aggrieved, by the Determination of any one or more Justices out of Sessions, such Person may have a Rehearing of his or her Case before the Justices at Sessions, on giving Security, for his or her Appearance, to prosecute such Rehearing or Appeal: and if such Rehearing shall appear, before the Justices at Sessions, to be sued upon frivolous or trifling Grounds, he, or she, so appealing, shall be fined, at the Discretion of the Justices, in any Sum not exceeding double the Fine before inflicted on the Appellant, and such Appellant shall also pay treble Costs, and treble Damages, to the Party against whom, such frivolous or vexatious Appeal shall have been brought.

XVIII. And be it further enacted and ordained, That this Act shall be deemed and taken as a public Act; and all Judges, Justices, and Juries, are hereby required, judicially to take Notice thereof accordingly, without being specially pleaded or shewn forth.

XIX. And be it lastly enacted and ordained by the Authority aforesaid, That this Act shall continue in force for *three Years* from the Date hereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the eighteenth Day of *October*, in the Year of Lord one thousand seven hundred and eighty-four, and in the twenty-fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

ROWLAND BURTON, *Speaker*.

Passed

24th Geo. III.

Nis. 428 — 429.

A. D. 1784.

Passed the Assembly, the six-
teenth Day of September, one
thousand seven hundred and
eighty-four.

Passed the Council Board, the
fourteenth Day of October,
one thousand seven hundred
and eighty-four.

By Command,

WILLIAM GILBERT,
Clerk of the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

Assented to by the Governor in Chief, the eighteenth Day of
October, one thousand seven hundred and eighty-four.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published the nineteenth Day of October, one thousand
seven hundred and eighty-four.

JOHN ROSE, *Dep. Pro. Marshal.*

An Act to enable the present or future Vestry of the Parish
of Saint John, to sell and convey certain Proportions,
or Lots of Land, situate in the Town of Saint John,
and hitherto occupied for the Benefit of the said Parish;
and for further enabling the said Vestry to purchase
other Proportions, or Lots of Land, in the said Town
of Saint John, for the Purpose of erecting thereon, a
proper Tenement to be appropriated as a Hospital of the
said Parish, and for such other Parochial Purposes as
to the said Vestry may seem fit. No. 429.

WHEREAS the following Lots or Parcels of Land, situate in the PREAMBLE.
Town of Saint John, in the said Island, have been, hitherto, used and
occupied for the Purposes and Advantages of the said Parish of Saint
John, agreeable to the Intentions for which they were, originally,
granted or vested, under the Direction of the different Vestries, which
have been, from time to time, elected for the said Parish: And

Vol. I.

3 X

whereas

25th GEO. III.

No. 429.

A. D. 1785.

whereas the present Vestry, of the said Parish, find it necessary at this Time, to procure some proper Lot of Land, with a Tenement, and suitable Out-houses and Offices, for the Purpose of appropriating the same to the Use of a Parish Hospital; of which they are now in great Want; the present Tenement or Building, now occupied as a Hospital, being on Rent, which occasions a heavy yearly Expense to the said Parish: And whereas the said Lots of Land before-mentioned, and herein-after particularly described, have no Buildings thereon fit for the Purpose, and are, in many other Respects, not so commodious and properly situated for erecting a Parish Hospital, as many other Lots of Land which may be purchased in the said Town of *Saint John*: And whereas the said Vestry have been, therefore, desirous of selling and disposing of the aforesaid, and herein-after described Lots of Land, hitherto occupied by the said Parish, in order to raise a Fund to enable them the better to purchase other Lots of Land in the said Town of *Saint John* with a Tenement thereon, which may be more commodiously situated for a Hospital, and for other Parochial Purposes: but the said Vestry, not being a Body Corporate, so as to enable them to alien or take, have sought the Aid of the Legislature of this Island; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, do most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all and every of the Persons now serving as Vestry-men for the said Parish, or who shall or may at any Time hereafter serve as such, or the Churchwardens now serving, or such Persons who shall hereafter serve as Churchwardens of the said Parish, shall and may, with all convenient Speed, and are hereby authorized and empowered so to do, sell, convey, and dispose of the said Lots or Parcels of Land, heretofore occupied and used for the Purposes and Advantages of the aforesaid Parish, that is to say, All that Lot or Parcel of Land, situate and being in that Part of the said Town of *Saint John*, called *Spring Gardens*; bounded, to the East, by Lands of *John Gray*; to the West, by the Public Street, and Lands belonging to the Heirs of *Giles Blizzard*, deceased; to the North, by an unappropriated Spot of Land; and, to the South, by Lands belonging to the Heirs of the said *Giles Blizzard*, deceased: And also all those other Lots or Parcels of Land, formerly granted and conveyed, by *Richard Oliver* and *Mary* his Wife, to the then Churchwardens

ACT.
Vestry-men
or Church-
wardens of
*St. John's Pa-
rish* to sell
Lands in
Clause.

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No. 429.

A. D. 1785.

Churchwardens of the said Parish, and their Successors, for the Benefit of the Inhabitants of the said Parish, situate in *Nevis Street*, in the said Town; butted and bounded, to the North, by *Nevis Street*; South, by Lands belonging to the Heirs of *Robert Anderson*, deceased, *Charles Martin*, and *Jacob Nibbs*; East, by *Cross Street*; and West, by *Temple Street*: to any Person or Persons whomsoever, for as much Money as, to the said Vestrymen or Churchwardens, shall appear to be the Value of the same.

II. And be it further enacted and ordained by the Authority aforesaid, That all and every of the said Persons now serving as Vestrymen, or who shall hereafter serve as such, or the said Churchwardens now serving, or who shall hereafter serve as such, shall and may, with all convenient Speed, and are hereby empowered and authorized to treat and bargain for, and finally conclude on, the absolute Purchase of any other Lots or Parcels of Land, or of any Tenements, Messuages, or Buildings, that may be thereon erected, situate in the said Town of *Saint John*, on such Terms as to them may seem proper; and to receive Grants and Conveyances of the same, in Fee Simple, to the aforesaid Churchwardens, and their Successors, or to such other Person or Persons as the said Vestry shall appoint and direct; to the Uses, and for the Intents and Purposes of erecting and building, in the first Place, a proper convenient Tenement or Dwelling-house, with all suitable Offices, to be appropriated as an Hospital of, and belonging to the said Parish; and, afterwards, to appropriate such Parts of the said Land and Premises, that may remain after building the said Hospital, to such other Purposes and Benefits for the said Parish as may, from time to time, appear fit and convenient to them the aforesaid Vestrymen.

III. And be it enacted and ordained by the Authority aforesaid, That whatever Surplus shall remain in the Hands of the said Vestry and Churchwardens, arising from the Sale of the said Lots or Parcels of Land, after paying for the Lands to be purchased as aforesaid, shall be appropriated and applied to such Parochial Purposes, as to the said Vestry shall seem fit: Saving always, and reserving to the King's Most Excellent Majesty, His Heirs and Successors, and all and every other Persons, Bodies Politic and Corporate, their Heirs, and Successors, and Assigns, all such Estate, Right, Title, Claim, Interest, Property, Possession, and Demand whatsoever, either at Law or in Equity, of, in, to, or out of the aforesaid Lands hereby authorized, permitted, and suffered to be sold, or any Part thereof, as they,

Said Vestrymen or Churchwardens, to buy Land to build Hospital, &c.

Surplus Monies to be applied to Parish Purposes.

The King's and other Rights saved.

25th GEO. III.

Nis. 429, 430.

A. D. 1785.

or any of them had before the passing of this Act, or could or might have held and enjoyed in case this Act had not been made.

Dated at *Antigua*, the twenty-first Day of *May*, one thousand seven hundred and eighty-five, and in the twenty-fifth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

PHILIP HICKS, *Speaker pro tempore*.

Passed the Assembly, the nineteenth Day of *May*, in the Year of our Lord one thousand seven hundred and eighty-five.

Passed the Council Board, this nineteenth Day of *May*, in the Year of our Lord one thousand seven hundred and eighty-five.

By Command,

WILLIAM GILBERT,
Clerk of the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief, this twenty-first Day of *May*, one thousand seven hundred and eighty-five.

THOMAS L. S. **SHIRLEY.**

ANTIGUA. Published this twenty-first Day of *May*, one thousand seven hundred and eighty-five.

JOHN ROSE, *Dep. Pro. Marshal.*

No. 430.
Act of 26th
June, 1802,
(No. 566.)
which revives
original Act,
of 20th July,
1773, (No. 348)
suffers this to
expire.

An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.

WHEREAS an Act, intituled, *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the*

25th Geo. III.

No. 430.

A. D. 1785.

the Trade of the same, dated the twentieth Day of *July*, one thousand seven hundred and seventy-three; and since revived, continued, and amended by five other Acts, dated the sixth Day of *January*, one thousand seven hundred and seventy-five, the thirteenth Day of *November*, one thousand seven hundred and seventy-five, the fourth Day of *October*, one thousand seven hundred and seventy-seven, the eleventh Day of *May*, one thousand seven hundred and seventy-nine, and the twenty-eighth Day of *December*, one thousand seven hundred and eighty, did, together with the abovementioned Acts for reviving, amending, and continuing thereof, expire at the Meeting of the Council and Assembly of this Island next after the thirtieth Day of *December*, one thousand seven hundred and eighty-three; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act, together with the several said Acts for reviving, continuing, and amending thereof, (except as hereinafter excepted and repealed,) and the Amendments hereinafter made and set forth, shall stand revived, and be and continue in force, from the Day of the Publication hereof for three Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

II. And whereas it is enacted by the first Clause of the last recited Act, That every Master or Commander of any Ship or Vessel, trading to or from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver that is or shall be appointed for that Purpose, one Pound of Powder, (one half of which shall be paid in common Powder, and the other half in Pistol Powder) for each Ton, according to the Register of such Ship or Vessel: And whereas from the present peaceable State of the Nation, and from a large Quantity of Powder remaining in our Magazines, a much less Quantity of Powder is requisite for the Public Service: Be it therefore enacted and ordained, That, from and after the Publication of this Act, every Master or Commander, under the Description aforesaid, shall, before his Departure from this Island, pay into the Hands of the Collector or Receiver aforesaid, one Fourth-part or Quarter of a Pound of Powder, and no more, for each Ton, according to the Register of the Ship or Vessel under his Command; one half of which said Fourth-part or Quarter of a Pound

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No. 430.

A. D. 1785.

Pound of Powder shall be paid in common Powder, and the other half in Pistol Powder.

III. And be it, and it is hereby enacted by the Authority aforesaid, That all Shallops and Vessels, qualified as Sugar Droughers, and not registered at more than thirty Tons, which shall clear for any Island within this Government, are hereby declared to be exempted from the said Powder Duty; any Thing in this or any other Act to the contrary notwithstanding.

Clause of Indemnity.

IV. And whereas, from the Expiration of the said last-mentioned Act, dated the twenty-eighth Day of *December*, one thousand seven hundred and eighty, the Collector appointed under that, or some of the former recited Acts, hath continued to demand and collect the Duties of Powder, laid and imposed by the said several Acts, in the Manner and Form heretofore particularly directed and appointed, under an Apprehension that the said Act or Acts would have been continued, or earlier revived, as heretofore it was customary: And whereas the collecting and receiving the said Duties of Powder hath been of great Benefit to this Island, by furnishing our Magazines with a Supply of that Commodity indispensably necessary for our Defence in Time of War; and that in a Manner both easy and effectual: For quieting, therefore, the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies which might, otherwise, happen or arise, from such Collection of the said Duties, and from omitting sooner to revive the said Acts, be it enacted and ordained by the Authority aforesaid, That the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, and of, from, and against all Bills, Plaints, Actions, Informations, or Suits whatsoever, which might have been brought, filed, had, or maintained against him or them, any or either of them, by any Person or Persons whomsoever, for any Act, Matter or Thing done and performed by him the said Collector, or by any other Person or Persons acting in the said Collection under him, and agreeable to the Directions of the said, or any of the said herein recited Acts, during the Term of their Expiration.

V. And it is hereby further enacted and ordained by the Authority aforesaid, That the said Collector, and all and every Person and Persons legally acting under him as before specified, upon being impleaded or proceeded against at Law as aforesaid, may, and it is hereby declared lawful for them to plead the General Issue, and give this

25th GEO. III.

Nis. 430, 431.

A. D. 1785.

this Act in Evidence ; any Law, Usage, or Custom to the contrary notwithstanding.

Dated at *Antigua*, the tenth Day of *June*, in the Year of our Lord one thousand seven hundred and eighty-five, and in the twenty-fifth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

PHILIP HICKS, *Speaker pro tempore*.

Passed the Assembly, the fourth	{	Passed the Council Board,
Day of <i>June</i> , one thousand		the fourth Day of <i>June</i> ,
seven hundred and eighty-five.		one thousand seven hundred and eighty-five.

By Command,

WILLIAM GILBERT,
Clerk of the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

Assented to by the Governor in Chief, this tenth Day of *June*, in the Year of our Lord one thousand seven hundred and eighty-five.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published the tenth Day of *June*, one thousand seven hundred and eighty-five.

JOHN ROSE, *Dep. Pro. Marshal.*

An Act for reviving and continuing an Act, intituled, An Act for ascertaining the Freight of Goods, Wares, and Merchandizes, and of Sugar, Rum, and other Produce of this Island, which shall be carried and transported, from one Part of the Island, to another Part of the said Island, or to and from any

No. 431.
EXPIRED.

25th GEO. III.

Nis. 431 — 435.

III A. D. 1785.

of the Islands thereto adjacent and belonging, in any Sloops, Shallops, Boats, or Vessels commonly called Sugar Droughers.

Dated 21st June, 1785.

No. 432.
EXPIRED.

An Act for continuing and amending an Act, intituled, An Act for establishing and regulating a nightly Watch in the Town of Saint John; and for assessing and levying a Tax, on the Proprietors and Inhabitants of Houses in the said Town, to defray the Charges thereof.

Dated 21st June, 1785.

No. 433.
OBSOLETE.

An Act for the Ease and Relief of several insolvent Debtors, confined in the Common Jail of this Island.

Dated 2d December, 1785.

No. 434.
EXPIRED.

An Act for preventing Abuses in carrying on the inland Trade of this Island.

Dated 10th December, 1785.

No. 435.
PRIVATE.

An Act to vest in Trustees, for Sale, certain Negro Slaves, devised by the Will of Robert Pearne, Esquire, discharged from the Uses and Trusts declared, concerning the same, in and by the said Will; and for investing the Money, arising by such Sale, in real or Government Securities in Great Britain, upon the like Uses and Trusts.

Dated 28th March, 1786.

26th Geo. III.

Nis. 436 — 438.

A. D. 1786.

*An Act for continuing and amending an Act, intituled, No. 436.
An Act for establishing and regulating a nightly EXPIRED.
Watch in the Town of Saint John; and for assess-
ing and levying a Tax, on the Proprietors and In-
habitants of Houses in the said Town, to defray
the Charges thereof.*

Dated 24th June, 1786.

*An Act to confirm certain Persons nominated and appointed No. 437.
as Commissioners of the nightly Watch; and indemni- EXPIRED.
fying them for having acted under an Act, made and
passed on the twenty-fourth Day of June last, inti-
tuled, An Act for amending and continuing an Act,
intituled, An Act for establishing and regulating a
nightly Watch in the Town of Saint John; and for
assessing and levying a Tax, on the Proprietors and
Inhabitants of Houses in the said Town, to defray
the Charges thereof.*

Dated 25th August, 1786.

An Act for the Prevention of Fraud and Perjury. No. 438.

WHEREAS great Abuses have prevailed, for want of some Act
of this Island for the further Prevention of many fraudulent Prac-
tices which are commonly endeavoured to be upheld by Perjury, and
the Subornation of Perjury; We, therefore, Your Majesty's most
dutiful, loyal, and obedient Subjects, the Governor in Chief of Your
Majesty's Leeward Caribbee Islands in America, and the Council and
Assembly of this Your Majesty's Island *Antigua*, humbly pray Your
Most Excellent Majesty, that it may be enacted and ordained; and

PREAMBLE.

ACT.
No Action to
be brought on
special Pro-
mise of Exe-
cutors,

cutors, &c.
to pay Damages out of his own Estate; or of Defendant to pay Debt of another; or on Agreement of any Person in Consideration of Marriage, or on Contract for Sale of Lands, &c. or on any Agreement not to be performed in a Year; unless Promise or Agreement be in Writing, and signed by the Party.

No Contract for Sale of Goods, &c. to the Value of 20*l*. or upwards, good; unless Buyer receive Part; or give Earnest; or Memorandum be signed.

Devises of Lands, Slaves, &c. to be in Writing, and signed, in Presence of one White Witness, by Devisor; or, by third Person under Devisor's express Direction; or to be wholly written by Devisor.

Wills of Persons of Colour may be attested by Persons of Colour.

be it, and it is hereby enacted and ordained by the Authority aforesaid, That, from and after three Calendar Months after Publication hereof, no Action shall be brought, whereby to charge any Executor or Administrator, upon any special Promise, to answer Damages out of his own Estate, or whereby to charge the Defendant, upon any special Promise, to answer for the Debt, Default, or Miscarriages of another Person, or to charge any Person, upon any Agreement made upon Consideration of Marriage, or upon any Contract or Sale of Lands, Slaves, Tenements, or Hereditaments, or any Interest in or concerning them, or upon any Agreement that is not to be performed within the Space of one Year from the making thereof; unless the Agreement, upon which such Actions shall be brought, or some Memorandum or Note thereof, shall be in Writing, and signed by the Party to be charged therewith, or some other Person thereupon by him lawfully authorized.

II. And be it further enacted by the Authority aforesaid, That, from and after the Expiration of the said three Calendar Months, no Contract for the Sale of any Goods, Wares, and Merchandizes for the Price of twenty Pounds, current Gold and Silver Money of this Island, or upwards, shall be allowed to be good; except the Buyer shall accept Part of the Goods so sold, and actually receive the same, or give something in *Earnest*, to bind the Bargain, or in Part of Payment, or that some Note or Memorandum in Writing of the said Bargain, be made and signed by the Parties to be charged by such Contract, or their Agents thereunto lawfully authorized.

III. And be it further enacted by the Authority aforesaid, That, from and after the Expiration of the said three Calendar Months, all Devises and Bequests of any Lands, Slaves, or Tenements, shall be in Writing, and signed by the Devisor, or by some other Person in his Presence, and by his express Directions, as his last Will and Testament, in the Presence of one credible White Witness, who shall attest and subscribe the same, in the Presence of the said Devisor; or shall be wholly written, dated, and subscribed by the proper Hand of the said Devisor; or, else, shall be utterly void and of none Effect.

IV. Provided always, That the Wills and Testaments of free Negroes, Mulattoes, or Mustees, or other Persons of Colour, may be attested by any free Persons of Colour; any Thing hereinbefore contained to the contrary notwithstanding.

26th GEO. III.

No. 438.

A. D. 1786.

V. And moreover no Devise in Writing of Lands, Slaves, Tenements, or Hereditaments, nor any Clause thereof, shall, at any Time (after the Expiration of the said three Calendar Months) after Publication thereof, be revocable otherwise than by some other Will or Codicil in Writing, or other Writing declaring the same, or by burning, cancelling, tearing, or obliterating the same by the Testator himself, or in his Presence and by his Directions and Consent: but all Devises and Bequests of Lands, Slaves, Tenements, and Hereditaments, shall remain and continue in force until the same be burnt, cancelled, torn, or obliterated by the Testator, or his Directions in Manner aforesaid; or unless the same be altered by some other Will or Codicil in Writing, or other Writing of the Devisor, signed in the Presence of one Witness,—who shall attest and subscribe the same, in the Presence of the said Devisor,—as his last Will and Testament; or unless the same be altered by some other Will or Codicil in the Hand-writing of the Devisor, dated and subscribed by him, declaring the same; any former Law or Usage to the contrary notwithstanding.

No Devise of Lands, &c. revocable unless Testator, or some Person by his Direction, burn it, &c.; or Testator sign Revocation or Alteration in the Presence of one Witness; or sign Alteration written wholly by himself.

VI. And be it further enacted by the Authority aforesaid, That, if any Person shall attest the Execution of any Will or Codicil, which shall be made after the Expiration of three Calendar Months after the Publication hereof, to whom any beneficial Devise, Legacy, Estate, Interest, Gift, or Appointment of or affecting any real or personal Estate (other than and except Charges on Lands, Slaves, Tenements, or Hereditaments for Payment of any Debt or Debts) shall be thereby given or made, such Devise, Legacy, Estate, Interest, Gift, or Appointment shall, so far only as concerns such Person attesting the Execution of such Will or Codicil, or any Person claiming under him, be utterly null and void: and such Person shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of this Act, notwithstanding such Devise, Legacy, Estate, Interest, Gift, or Appointment mentioned in such Will or Codicil.

If Person attest Will, &c. to whom any beneficial Devise, &c. be therein made, Will void as to him, &c.

VII. And be it further enacted by the Authority aforesaid, That in case, by any Will or Codicil, any Lands, Slaves, Tenements, or Hereditaments are or shall be charged with any Debt or Debts, and any Creditor, whose Debt is so charged, hath attested, or shall attest the Execution of such Will or Codicil, every such Creditor, notwithstanding such Charges, shall be admitted as a Witness to the Execution of such Will or Codicil within the Intent of this Act.

If Will charge Land, &c. with Debts, Creditor having a Debt charged may witness it.

Interested
Witness to
Will, having,
before he gives
Testimony,
accepted or
released, or
after Tender
refused Lega-
cy, a compe-
tent Witness.

Such Witness
having refus-
ed, after Ten-
der, to be
barred Lega-
cy:

having accept-
ed it, to retain
it, though
Will adjudged
void.

Interested
Witness dying
in Life-time
of Testator, or
before he shall
have accepted
or refused Le-
gacy, a legal
Witness; sub-
ject to the
Consideration
of the Court.

No Person af-
ter refusing
Legacy, &c.
by Act declar-
ed void; or
after

VIII. And be it further enacted by the Authority aforesaid, That if any Person shall attest the Execution of any Will or Codicil, which shall be made after the Expiration of three Calendar Months after the Publication hereof, to whom any Legacy or Bequest shall be thereby given, whether charged upon Lands, Slaves, Tenements, or Hereditaments or not, and such Person, before he shall give his Testimony concerning the Execution of any such Will or Codicil, shall have been paid, or have accepted, or released, or shall have refused to accept such Legacy or Bequest upon tender made thereof, such Person shall be admitted as a Witness to the Execution of such Will or Codicil, within the Intent of this Act, notwithstanding such Legacy or Bequest: Provided, that in case of such Tender and Refusal, as aforesaid, such Person shall in no wise be entitled to such Legacy or Bequest; but shall be for ever afterwards barred therefrom; and in case of such Acceptance as aforesaid, such Person shall retain to his own Use the Legacy or Bequest which shall have been so paid, satisfied, or accepted: notwithstanding such Will or Codicil shall afterwards be adjudged or determined to be void, for want of due Execution, or for any other Cause or Defect whatsoever.

IX. And be it further enacted by the Authority aforesaid, That in case any such Legatee as aforesaid, who shall attest the Execution of any Will or Codicil, which shall be made after the Expiration of three Calendar Months after the Publication hereof, shall die in the Life-time of the Testator, or before he shall have received or released the Legacy or Bequest so given to him as aforesaid, and before he shall have refused to receive such Legacy or Bequest on tender made thereof, such Legatee shall be deemed a legal Witness to the Execution of such Will or Codicil, within the Intent of this Act, notwithstanding such Legacy or Bequest: Provided always, that the Credit of every such Witness, so attesting the Execution of any such Will or Codicil, in any of the Cases in this Act before mentioned, and all Circumstances relating thereto, shall be subject to the Consideration and Determination of the Court and Jury before whom any such Witness shall be examined, or his Testimony or Attestation made use of, or of the Court of Equity in which the Testimony or Attestation of any such Witness shall be made use of, in like Manner to all Intents and Purposes, as the Credit of Witnesses in all other Cases, ought to be considered of and determined.

X. And be it further enacted by the Authority aforesaid, That no Person to whom any beneficial Estate, Interest, Gift, or Appointment, shall be given or made, which is hereby enacted to be null and

26th Geo. III.

No. 438.

A. D. 1786.

and void as aforesaid, or who shall have refused to receive any Legacy or Bequest, on Tender made as aforesaid, or who shall have been examined as a Witness concerning the Execution of such Will or Codicil, shall, after he shall have been so examined, demand or take Possession of, or receive any Profit or Benefit of or from such Estate, Interest, Gift, or Appointment so given or made to him, in or by any such Will or Codicil, or demand, receive, or accept any such Legacy or Bequest, or any Satisfaction or Composition for the same in any Manner, or under any Pretence or Colour whatsoever.

after being examined as a Witness; to receive Bequest, &c. or any Composition for Bequest, &c. under Will.

XI. And, for Prevention of fraudulent Practices in setting up nuncupative Wills, which have been the Occasion of much Perjury, be it enacted by the Authority aforesaid, That, from and after the Expiration of the said three Calendar Months, no nuncupative Will shall be good, where the Estate thereby bequeathed shall exceed the Value of sixty Pounds, current Gold and Silver Money of this Island, that is not proved by the Oath of one Witness at the least that was present at the making thereof; nor unless it be proved that the Testator, at the Time of pronouncing the same, did bid the Person present bear Witness that such was his Will, or to that Effect, nor unless such nuncupative Will were made in the Time of the last Sickness of the Deceased, and in the House of his or her Habitation or Dwelling, or where he or she hath been resident for the Space of ten Days, or more, next before the making of such Will, except where such Person was surprised or taken Sick being from his or her own Home, and died before he or she returned to the Place of his or her Dwelling.

No nuncupative Will good where Bequest exceeds 60*l*. unless proved by at least one Person bidden to bear Witness to it by Testator; nor unless made in last Sickness, &c.

XII. And be it further enacted, That, after six Months next after the speaking of the pretended testamentary Words, no Testimony shall be received to prove any nuncupative Will, except the said Testimony, or the Substance thereof, were committed to Writing within six Days after the making of the said Will.

Six Months after nuncupative Will, no Testimony good that was not committed to Writing in six Days after Will pronounced.

XIII. And be it further enacted, That no Letters-testamentary, or Probate of any nuncupative Will, shall be proved before the Governor in Chief, or such other Person having Power to take the Probate of Wills, till fourteen Days, at the least, after the Decease of the Testator be fully expired; nor shall any nuncupative Will be, at any Time, received to be proved, unless Process hath first issued

No Probate to be granted till fourteen Days after Decease of Testator, that the Widow or Kindred may, if they think proper, enter Caveat.

to

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A. D. 1786.

No Will in Writing concerning personal Estate, repealable by Oral Will; except Proof be made by one Witness at least, that in Testator's Life-time, same was committed to Writing, read to, and allowed by him.

to call in the Widow, or Next of Kindred to the Deceased, to the End they may combat the same if they please.

XIV. And be it further enacted, That no Will in Writing, concerning any Goods, or Chattels, or personal Estate, shall be repealed, nor shall any Clause, Devise, or Bequest therein, be altered or changed, by any Words, or Will by Word of Mouth only; except the same be, in the Life-time of the Testator, committed to Writing, and, after writing thereof, read to the Testator, and allowed by him, and proved to be so done by one Witness at the least.

Dated at *Antigua*, the twenty-second Day of *September*, in the Year of our Lord one thousand seven hundred and eighty-six, and in the twenty-sixth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, *Speaker*.

Passed the Assembly, the twenty-seventh Day of *April*, one thousand seven hundred and eighty-six.

Passed the Council, the twenty-first Day of *September*, one thousand seven hundred and eighty-six.

WILLIAM GILBERT,
Clerk of the Assembly.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief, the twenty-second Day of *September*, one thousand seven hundred and eighty-six.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published this twenty-third Day of *September*, one thousand seven hundred and eighty-six.

ROBERT CLOGSTOUN; *Dep. Pro. Marshal.*

27th GEO. III.

No. 439.

A. D. 1786.

An Act for compelling the reputed Fathers of illegitimate White Children to make a competent Provision for them; and to secure and indemnify the Parishes of this Island from being chargeable with them. No. 439.

WHEREAS many illegitimate White Children have become chargeable to the Parishes of this Island, although their reputed Fathers have been in Circumstances sufficiently competent to provide for such Children; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That two Justices within the Parish or Neighbourhood thereof, where a White Bastard shall be born, upon Examination of the Cause and Circumstance, shall and may, by their Discretion, take-order as well for the Punishment of the Mother and reputed Father, as also for the better Relief of such Parish, in part or in all; and shall and may, by like Discretion, take-order for the Keeping of every such Bastard Child, by charging such Mother or reputed Father, with the Payment of Money weekly, or other Sustentation for the Relief of such Child, in such Ways as they shall think meet and convenient; and if after the same Order, by them subscribed under their Hand, the Mother or reputed Father, upon Notice thereof, shall not, for their Part, observe and perform the said Order, that then every such Party, so making Default in not performing the said Order, to be committed to the Common Jail, there to remain without Bail or Mainprize, except he, or she, shall put in sufficient Surety, to perform the said Order, or else personally to appear at the next Court of King's Bench and Grand Sessions of the Peace, to be holden in and for the said Island, and also to abide such Order as the said Justices, or the major Part of them, then and there shall take in that Behalf; (if they, then and there, shall take any;) and that, if at the said Court of King's Bench or Grand Sessions of the Peace, the said Justices shall take no other Order, then to abide and perform the Order before made, as is abovesaid.

PREAMBLE,

ACT.

Where White Bastard born, two Justices of Parish or Vicinity, after examining into Circumstances, to take Measures, at Discretion, for punishing the Parents, relieving the Parish, and supporting the Child, &c.

Mother or reputed Father, after Notice, not performing Order, to be committed, unless Surety put in to appear at Sessions, &c.

II. And be it further enacted by the Authority aforesaid, That if any single Woman shall be delivered of a White Bastard Child, which shall If single Woman, delivered, or declaring

27th Geo. III.

No. 439.

A. D. 1786.

ing herself
pregnant with
White Bastard
Child, shall,
on Oath be-
fore Justice,
charge any
Person with
being the Fa-
ther; Justice,
on Applica-
tion, &c. to
issue Warrant
for Apprehen-
sion of such
Person.

To be com-
mitted, unless
he give Secu-
rity to indem-
nify Parish,
or Recogni-
zance to ap-
pear at Ses-
sions.

shall be chargeable, or likely to become chargeable to any Parish within the said Island; or shall declare herself to be with Child, and that such Child is likely to be born a Bastard, and to be chargeable to such Parish; and shall in either of such Cases, in an Examination to be taken, in Writing, upon Oath, before one Justice within such Parish, or the Neighbourhood thereof, charge any Person with having gotten her with Child, it shall be lawful for such Justice, upon Application made to him by the Churchwardens of such Parish, or one of them, or by any substantial Householder of such Parish, to issue out his Warrant, for the immediate apprehending such Person so charged as aforesaid, and for bringing him before such Justice, or before any other of His Majesty's Justices of the Peace for the said Island; and the Justice, before whom such Person shall be brought, shall commit him to the Common Jail, unless he shall give Security to indemnify such Parish, or shall enter into a Recognizance, with sufficient Surety, upon Condition to appear at the next Court of King's Bench, and Grand Sessions of the Peace, to be holden for the said Island, and to abide and perform such Order or Orders, as shall then and there be made.

Dated at *Antigua*, the sixteenth Day of *November*, in the Year of our Lord one thousand seven hundred and eighty-six, and in the twenty-seventh Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, Speaker.

Passed the Assembly, the six-
teenth Day of *November*,
one thousand seven hun-
dred and eighty-six.

Passed the Council, the six-
teenth Day of *November*,
one thousand seven hundred
and eighty-six.

By Command,

WILLIAM GAMBLE DENBOW,
Clerk of the Assembly,

JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief, the sixteenth Day of *November*, one thousand seven hundred and eighty-six, and in the twenty-seventh Year of His Majesty's Reign.

THOMAS (L.S.) *SHIRLEY.*

ANTIGUA.

27th GEO. III.

Nis. 439 — 441.

A. D. 1786.

ANTIGUA. Published this twenty-second Day of November, one thousand seven hundred and eighty-six.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for amending, cleaning, and keeping in Repair the *several Streets and Lanes in the Town of Saint John; and for assessing and raising a Tax on the Inhabitants of the said Town, to defray the Charges thereof; and for repealing an Act, intituled, An Act for the better amending, cleaning, and keeping in Repair the several Streets and Lanes in the Town of St. John; and, the several Acts made for amending and continuing the same.*

No. 440.
EXPIRED.

Dated 25th November, 1786.

An Act to revive and continue An Act for the better Regulation of small Vessels, and preventing Escape of Debtors from this Island.

No. 441.
See No. 351
and No. 486
both made
perpetual.

WHEREAS an Act, intituled, *An Act for the better Regulation of small Vessels, and preventing Escape of Debtors from this Island*, dated the twenty-third Day of October, one thousand seven hundred and seventy-three, and since continued by several other Acts, the last Act for continuing thereof, bearing Date the twenty-eighth Day of March, one thousand seven hundred and eighty-three, having expired on the twenty-seventh Day of April, one thousand seven hundred and eighty-six; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and

27th GEO. III.

No. 441.

A. D. 1787.

it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act shall stand revived, and be and continue in force, from the Passing and Publication hereof, for *three Years*, and from thence to the next Meeting of the Council and Assembly of *Antigua*.

Clause of In-
demnity.

II. And be it enacted and ordained by the Authority aforesaid, For preventing any Disputes or Inconveniencies which might, otherwise, happen or arise by reason of the not earlier reviving the said first-mentioned Act, or of passing some other Law of the Tenor and Effect of this Act, That all and every the Justices and Justice, Secretary and Deputy Secretary, and all and every other Persons and Person whomsoever, acting under the said first recited Act, shall be, and are, and is hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, which might be brought, filed, had or maintained against them, or any or either of them, by any Person or Persons whomsoever, for any Matter or Thing done and performed by the said Justices, Secretary, and Deputy Secretary, or any, or either of them, or by any other Person or Persons whomsoever, acting under them, or any, or either of them, and agreeable to the Directions of the said first recited Act, from the said twenty-seventh Day of *April*, one thousand seven hundred and eighty-six, to the Passing and Publication of this Act; and the said Persons against whom any Complaint, Information, or Action shall be so brought, may plead the General Issue, and give this Act in Evidence.

Dated at *Antigua*, the twentieth Day of *January*, one thousand seven hundred and eighty-seven, and in the twenty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, *Speaker*.

Passed the Assembly, the eight-
teenth Day of *January*, one
thousand seven hundred and
eighty-seven.

Passed the Council, the eight-
teenth Day of *January*, one
thousand seven hundred and
eighty-seven.

WILLIAM GAMBLE DENBOW,
Clerk of the Assembly.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

Passed

ISLAND OF ANTIGUA.

535

27th Geo. III.

Nis. 441—444.

A. D. 1787.

Passed by the Governor in Chief, the twentieth Day of *January*, one thousand seven hundred and eighty-seven.

THOMAS (L. S.) SHIRLEY.

ANTIGUA. Published this twentieth Day of *January*, one thousand seven hundred and eighty-seven.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for prohibiting the keeping of Public Billiard Tables and other Gaming Tables in this Island. No. 442.
EXPIRED.

Dated 20th *January*, 1787.

An Act for reviving and continuing An Act for regulating the Fees of sworn Pilots. No. 443.
EXPIRED.

Dated 16th *February*, 1787.

An Act for reviving and continuing an Act, intituled, An Act for extending to this Island a certain Act of Parliament, made at Westminster, in the twenty-fourth Year of the Reign of our late Sovereign Lord King George the Second, intituled, An Act for rendering Justices of the Peace more safe in the Execution of their Office; and for indemnifying Constables and others acting in Obedience to their Warrants; and for enabling Justices of the Peace to award Fees to Constables for executing their Processes. No. 444.
EXPIRED.

Dated 3d *March*, 1787.

No. 445.

*See Act of 15th
May, 1769,
(No. 314.)*

An Act to revive and continue an Act, intituled, An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors; and also for indemnifying Justices of the Peace and others, acting agreeable to such Act since the Expiration thereof.

PREAMBLE.

No. 314.

No. 341.

No. 369.

No. 394.

No. 416.

ACT.

No. 314 to be
in force for
three Years
from Act, and
thence till Le-
gislation
meets.

Justices and
others acting
under No. 314,
between its
last Expiration
and present
Renewal, in-
demnified.

WHEREAS an Act, intituled, *An Act to prevent Sailors from deserting their Ships, and making extravagant Demands for the Voyage or Run, as it is commonly called; and for the better Government of Sailors on-shore; and to oblige the Commanders of Merchant Vessels to provide for such Sailors;* bearing Date the fifteenth Day of May, one thousand seven hundred and sixty-nine, and since continued by four other Acts, bearing Date the eleventh Day of June, one thousand seven hundred and seventy-two, the twenty-second Day of December, one thousand seven hundred and seventy-five, the tenth Day of April, one thousand seven hundred and seventy-nine, and the fifth Day of April, one thousand seven hundred and eighty-three, and the same, with the last Act for continuing the same, did expire on the twenty-seventh Day of April now last past; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief of all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said herein-before recited Act shall stand revived, and be and continue in force for three Years from the Publication hereof, and, thence, to the next Meeting of the Council and Assembly of this Island.

II. And be it enacted by the Authority aforesaid, For preventing any Disputes or Inconveniencies, which might, otherwise, happen or arise, by reason of not earlier reviving the said first-mentioned Act, or of passing some other Law to the Tenor and Effect of this Act, That all and every the Justices and Justice, and all and every other Person and Persons whomsoever, acting under them, or either of them, shall be,

27th GEO. III.

No. 445.

A. D. 1787.

be, and are, and is hereby indemnified, freed, and discharged of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, which might be brought, filed, had, or maintained against them, or any, or either of them, by any Person or Persons whomsoever, for any Matter or Thing done and performed by the said Justices, or any or either of them, or by any other Person or Persons acting under them, or any, or either of them, and agreeable to the Directions of the said recited Act, from the said twenty-seventh Day of *April*, one thousand seven hundred and eighty-six, to the Publication of this Act; and the said Person and Persons against whom any *Plaint*, *Information*, or *Action* shall be so brought, may plead the *General Issue*, and give this Act in Evidence.

Dated at *Barbuda*, the fourteenth Day of *March*, one thousand seven hundred and eighty-seven, and in the twenty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, *Speaker*.

Passed the Assembly, the eighth
Day of *March*, one thousand
seven hundred and eighty-
seven.

Passed the Council Board, this
eighth Day of *March*, one
thousand seven hundred and
eighty-seven.

WILLIAM GAMBLE DENBOW,
Clerk of the Assembly.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

Passed the Governor in Chief, the fourteenth Day of *March*, one thousand seven hundred and eighty-seven.

THOMAS (L. S.) SHIRLEY.

Published this fifteenth Day of *March*, one thousand seven hundred and eighty-seven.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal*.

28th GEO. III.

Nis. 446, 447.

A. D. 1787.

No. 446. *An Act for reviving and continuing an Act, intituled, An Act for regulating the Militia of this Island; and also, an Act, intituled, An Act to alter and amend an Act intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia, at those Times.*

EXPIRED.

Dated 5th November, 1787.

No. 447. *An Act for reviving and continuing an Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts of this Island; and, more effectual support of Credit; and also, diverse other Acts for continuing, reviving, altering, and amending an Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions*

EXPIRED.

28th GEO. III.

Nis. 447 — 449.

A. D. 1787.

cutions out of the Court of Chancery, and other Courts in this Island; and, more effectual support of Credit.

Dated 5th November, 1787.

An Act for continuing an Act, intituled, An Act for establishing and regulating a nightly Watch in the Town of Saint John; and for assessing and levying a Tax on the Proprietors and Inhabitants of Houses, in the said Town, to defray the Charges thereof. No. 448.
EXPIRED.

Dated 5th November, 1787.

An Act for reviving and continuing an Act, intituled, An Act for the Prevention of Damages to the Harbour of Saint John, in this Island; for appointing an Harbour-master thereto; and for regulating his Duty. No. 449.
See original Act No. 428, as revived and amended by later Act.

WHEREAS an Act dated the eighteenth Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-four, intituled, *An Act for the Prevention of Damages to the Harbour of Saint John in this Island; for appointing an Harbour-master thereto; and for regulating his Duty*, hath expired; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said recited Act be revived and continue in full Force and Virtue for the Space of *three Years* from the Date hereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated

28th GEO. III.

Nis. 449—451.

A. D. 1787.

Dated at *Antigua*, the sixteenth Day of *November*, in the Year of our Lord one thousand seven hundred and eighty-seven, and in the twenty-eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, *Speaker*.

Passed the Assembly, the fifteenth Day of *November*, one thousand seven hundred and eighty-seven.

Passed the Council, the fifteenth Day of *November*, one thousand seven hundred and eighty-seven.

WILLIAM GAMBLE DENBOW,
Clerk of the Assembly.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief the sixteenth Day of *November*, in the twenty-eighth Year of His Majesty's Reign.

THOMAS (L. S.) SHIRLEY.

Published this seventeenth Day of *November*, one thousand seven hundred and eighty-seven.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 450.
EXPIRED.

An Act for continuing an Act, intituled, An Act to regulate the Guage of Madeira Wine, and Wines of the Growth of the Western Islands.

Dated 17th *March*, 1788.

No. 451.
EXPIRED.

An Act for reviving and continuing an Act, intituled, An Act for the Assize of Bread.

Dated 4th *April*, 1788.

28th GEO. III.

No. 452.

A. D. 1788.

An Act for the more effectual punishing the Crime of No. 452.
*feloniously stealing and carrying away Vessels out of the
 Roads, Harbours, and Bays of this Island.*

WHEREAS the feloniously carrying away Vessels out of the Roads, Harbours, and Bays of this Island, is an Evil of a very serious Nature, and which, within these few Years, has much prevailed, by the Persons so offending meeting with a speedy Sale for such Vessels in the foreign Islands: For the preventing which wicked and unlawful Practice; We, Your Majesty's most loyal and obedient Subjects, the Governor of all Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it therefore enacted and ordained by the Authority aforesaid, That if any Person or Persons, from and after the Passing and Publication of this Act, shall feloniously steal, take, or forcibly carry away out of any of the Roads, Harbours, or Bays of this Island, or of the Islands thereto adjacent, any Ship, Boat, or Vessel of any Denomination whatever, belonging to any Inhabitant or Resident in this Island, or to any Person or Persons trading to, or from this Island; the Person or Persons so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

PREAMBLE.

ACT.
 Stealing Vessels from the Roads or Harbours, Felony without Clergy, and punishable with Death.

Dated at *Antigua*, the seventeenth Day of *March*, one thousand seven hundred and eighty-eight, and in the twenty-eighth Year of the Reign of our Sovereign Lord **GEORGE** the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, *Speaker*.

Passed the Assembly, the twenty-first Day of *February*, one thousand seven hundred and eighty-eight.

Passed the Council, the thirteenth Day of *March*, one thousand seven hundred and eighty-eight.

By Command,

WILLIAM DENBOW,
Clerk of the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

VOL. I.

4 A

Passed

28th GEO. III.

Nis. 452 — 455.

A. D. 1788.

Passed by the Governor in Chief the seventeenth Day of *March*, one thousand seven hundred and eighty-eight.

THOMAS L. S. SHIRLEY.

ANTIGUA. Published this seventeenth Day of *March*, one thousand seven hundred and eighty-eight.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 453. *An Act for reviving, continuing, and amending, an Act, intitled, An Act for settling and regulating the Trial of Criminal Slaves by Jury.*
EXPIRED.

Dated 17th *March*, 1788.

No. 454. *An Act to nominate and appoint certain Persons, as Commissioners of the nightly Watch, to act under an Act, made and passed the fifth Day of November last, intitled, An Act for continuing an Act, intitled, An Act for establishing and regulating a nightly Watch in the Town of Saint John; and for assessing and levying a Tax, on the Proprietors and Inhabitants of Houses in the said Town, to defray the Charges thereof.*
OBSOLETE.

Dated 28th *June*, 1788.

No. 455. *An Act for the Ease and Relief of several insolvent Debtors confined in the Common Jail of this Island.*
OBSOLETE.

Dated 28th *April*, 1788.

An

28th GEO. III.

No. 456.

A. D. 1788.

An Act for laying certain Duties, on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island of *Antigua*, think that it would be for the Advantage of the Public of the said Island, that all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, and other Liquors, should be obliged to take out a License for that Purpose, and to grant unto Your Majesty a Duty upon such Licenses, and also a certain Rate upon all Rum, Cordial Waters, and all other Strong Waters sold by Retail; and therefore do most humbly pray Your Majesty, that it may be enacted; and be it enacted by the said Commander in Chief, and the Council and Assembly of the said Island of *Antigua*, and by the Authority of the same; That, from and after the Publication of this Act, every Person acting as a Tavern Keeper, and every Person retailing any Sort of Wines in private Houses, and every Person keeping a Punch-house in the Town of *Saint John*, or in any other Town or Place within this Island, shall pay as follows, that is to say, all *Tavern Keepers* in the Town of *Saint John*, or within three Miles thereof, for six Month's License, shall pay the Sum of ten Pounds, Gold and Silver current Money of the said Island; within three Miles of *English Harbour*, (*Falmouth Town* excepted,) the Sum of ten Pounds, like Money; in *Parham*, three Pounds, like Money; and in all other Towns, ten Shillings, like Money: all *Retailers of any Sort of Wines in private Houses* in the Town of *St. John*, or within three Miles thereof, for six Month's License, shall pay the Sum of five Pounds, like Money; within three Miles of *English Harbour*, (*Falmouth Town* excepted,) three Pounds, like Money; in *Parham*, two Pounds, like Money; and in all other Towns, ten Shillings, like Money; all *Persons who sell Rum-punch only* in the Town of *Saint John*, for six Month's License, shall pay the Sum of five Pounds,

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like

No. 456.

AMENDED by
Acts of 23d

Oct. 1789,

(No. 462;)

14th Jan.

1791, (No.

474;)

22d

April, 1796,

(No. 508.)

CONTINUED,

as amended, by

Act of 30th

March, 1803,

(No. 573.)

PREAMBLE.

ACT.

Tavern Keepers, Retailers of Wines, and Punch-house Keepers, according to their local Situations, for six Month's License, to pay as in Clause.

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A. D. 1788.

like Money; within three Miles of *English Harbour*, (*Falmouth Town* excepted,) five Pounds, like Money; in *Parham*, two Pounds; and in other Towns, ten Shillings, like Money: all and every which Sums shall be immediately paid to the Treasurer, or his lawful Deputy, upon the taking out such Licenses, by the Persons to whom the same shall be respectively granted.

Treasurer to specify in License, the Liquors Tavern Keepers, Retailers of Wines, and Punch-house Keepers may sell.

Keeper of Taverns, &c. under Colour of License selling Rum, &c. in less Quantities than Act permits, to incur the Penalties in S. 6. 7.

Persons selling Liquors without License from, and Bond given to Treasurer; [By No. 474, S. 2. Treasurer not to grant License unless Applicant obtain written Consent of two Justices] to forfeit 100*l.* &c.

II. And be it enacted and ordained by the Authority aforesaid, That the Treasurer, or his lawful Deputy, for the time being shall, and is hereby required, to first specify and particularly mention, the several Species or Kinds of Liquors to be sold by such Person or Persons (as shall apply to him for License or Licenses,) in such Licenses; that is to say, in all Licenses to *Tavern Keepers*, all Sorts of Wines, Punch, Beer, Ale, Cyder, and Perry; to *Retailers of Wines in private Houses*, all Sorts of Wines; and to *Punch-house Keepers*, Rum Punch only: and if any Person or Persons keeping Taverns, Punch-houses, or other Public Houses, shall, under Colour of such License, sell Rum or Spirituous Liquors, in less Quantities than is herein-after allowed and permitted; (without Licenses first had and obtained, under the Hand and Seal of the Treasurer, or his lawful Deputy, for the time being, as by this Act is directed;) such Person or Persons, upon such Proof thereof as by this Act is required, shall be, and are hereby made liable to all the Pains and Penalties of this Act, to be recovered and applied as is herein-after directed: and if any Person shall presume to sell any Liquors in Taverns, Punch-houses, or Public Houses, or shall retail any Sort of Wines in any private Houses, either in the Towns or out of the Towns, without License, first obtained, for six Months, under the Hand and Seal of the *Treasurer, or his lawful Deputy, for the time being*, and before he or she gives Bond in the Treasurer's Office, with one Surety, such as the Treasurer or his Deputy shall approve, conditioned to keep regular and orderly Hours, he, she, or they, being thereof convicted, before any two or more of His Majesty's Justices of the Peace, by the Oath of any White or Free Person, shall, for the said Offence, forfeit the Sum of one hundred Pounds, Gold and Silver current Money of the said Island; and if the same shall not be immediately paid down, or sufficient Security given, in the Treasurer's Office, for Payment thereof in ten Days, it shall and may be lawful for the said Justices, to commit the said Offender to Jail, there to remain until the said Fine shall be paid, or Security given as aforesaid.

III. And whereas many Persons, in Stores and other Places, do retail Liquors, in Bottles and other Vessels, without License, to the great

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great Prejudice of the Tavern Keepers, and others who pay for Licenses; be it, and it is therefore enacted by the Authority aforesaid, That if any Person or Persons, whatsoever, (except such as pay for License to sell Liquors agreeably to this Act,) shall sell any Liquors, in less Quantities than three Dozen, if in Bottles, or less than three Gallons, in any other Vessel; such Person or Persons, shall be, and are hereby made liable to all the Pains and Penalties imposed by this Act, on Persons selling Liquors without License, contrary thereto.

Persons unlicensed selling Liquors in less Quantities than three Dozen, in Bottles; or three Gallons, otherwise; to incur Penalties in S. 2. 6. 7.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons who shall be licensed by this Act to keep Taverns, Punch-houses, Public Houses, or to retail Spirituous Liquors, shall keep a disorderly House; it shall be lawful, for any two Justices of the Peace for the said Island of *Antigua*, to take away the License granted to such Person or Persons, keeping such disorderly House, by making an Order for that Purpose, in Writing under their Hands and Seals; which Order shall, within three Days after the same shall be made, be sent into the Secretary's Office of this Island by the said Justices, and kept among the Proceedings of the Court of King's Bench, and Grand Sessions of the said Island of *Antigua*: And if any Person or Persons, whose License shall be so taken away, shall, after the same shall be so taken away, sell any Liquors under Colour of such License, such Person or Persons shall be, and is and are hereby made liable to the same Pains and Penalties by Virtue of this Act, as if such License had never been granted to such Person or Persons.

Licensed Tavern-keeper, &c. keeping disorderly House may be deprived of License by Order of two Justices, &c.

Afterwards selling Liquors, to incur Penalties.

V. And whereas great Frauds, Abuses, and Cheats have been carried on by Lotteries, and other such Kind of Methods, for disposing of Goods, and other valuable Things; which Practices have been very disadvantageous to the Public, as well as to private Persons, and a particular Damage and Disadvantage to the fair Trader; be it therefore, and it is hereby further enacted and ordained by the Authority aforesaid, That if any Person or Persons, from and after the Expiration of three Months next after the Publication of this Act, shall erect, make, or carry on any Lottery, or any Thing in the Nature of a Lottery, for disposing of any Goods, Money, or valuable Things, whatsoever, by way of Lots or Tickets, or shall set up any Goods or valuable Things to be raffled or played for by any Chance, all and every Person or Persons so erecting, making, or carrying on any such Lottery or other Thing in Nature of a Lottery, or setting up any Goods, or valuable Things, to be raffled or played for by any Chance, shall pay into the Public Treasury of this Island, upon Demand

Persons disposing of Goods by Lottery or Raffle, to forfeit half the Value; Value to be determined by their own Proposal, or by two Justices, on Application of Treasurer.

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Justices to examine Parties, Witnesses, &c. and to commit them if they refuse to discover Value, &c.

On Nonpayment of Moiety of Value, Justices to direct Distress; if no Distress, Imprisonment for three Months, *max.*

Tavern-keepers, &c. selling less than forty Gallons of Rum or Cordial Waters at one Time, to pay 9d. per Gallon.

Demand of the Treasurer of this Island for the time being, or his lawful Deputy, the full Moiety of the Value of such Goods, Money, or valuable Things, so set up either by Lottery, or any Thing in the Nature of a Lottery, to be raffled for, or played for by any Chance; the Value of such Goods or valuable Things, to be ascertained according to the Rule and Value that shall be put upon them in the Proposals, Articles, Terms, or Notifications of such Lotteries, or other Things in the Nature of a Lottery, or of the raffling or playing for the same, if the same shall be so discovered; or, else, the Value shall be set by any two of His Majesty's Justices of the Peace for the said Island, upon Application to them made by the Treasurer for that Purpose, with full Power to the said Justices to examine and compel Parties, or Witnesses, to make Discovery of such Value upon Oath; and by Commitment, upon Refusal, as herein-before is given, in case of selling Liquors without Licenses, contrary to this Act: and also in case the Parties or Witnesses will not make such Discovery, then to rate such Value according to the best Information such Justices can get; and the Amount of such Moiety of the Value of such Goods, Money, or valuable Things, if not immediately paid, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices, directed to any Constable, rendering the Overplus, (if any,) on Demand, after deducting the Charge of such Distress and Sale, to such Offender upon whom such Distress shall have been made as aforesaid; and for Want of sufficient Distress, such Justices shall commit such Offender to the Common Jail, not exceeding three Months.

VI. And whereas from the Cheapness of Rum, Cordial Waters, and other Strong Waters, in this Island, the Servants, Soldiers, Sailors, and Slaves often drink to great Excess; which proves very prejudicial to their Healths: And as the usual Method of retailing Rum, Cordial Waters, and Strong Waters, in small Quantities, by the common Retailers of Rum, Cordial, and Strong Waters, in the several Towns in this Island, and in the Country, hath very much contributed thereto; be it, therefore, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Space of ten Days next after the Publication of this Act, all Tavern Keepers, Punch-house Keepers, and other Retailers of Rum who shall sell any less Quantity than forty Gallons, at one Time, shall pay the Sum of Nine-pence for every Gallon of Rum so retailed by them: And all Retailers of any Cordial or Strong Waters who shall retail any less Quantity

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Quantity than forty Gallons, at one Time, shall pay the Sum of Nine-pence, for every Gallon of Cordial or Strong Waters so sold by them.

VII. And be it further enacted, That no Person or Persons whatsoever, either in Town or Country, shall sell any Rum, mixed or otherwise, or Cordial or Strong Waters, in less Quantities, than above-mentioned, without first obtaining a License for six Months, under the Hand and Seal of the Treasurer of this Island, or his lawful Deputy; and the Person or Persons to whom such License is granted, shall pay for the same, into the Hands of the Treasurer, the Sum of ten Pounds, current Gold and Silver Money of *Antigua*; and shall enter into Bond, in the Treasurer's Office, with one Security such as the Treasurer or his Deputy shall approve, to account upon Oath as herein-after directed, and for the Payment of the Duty imposed by this Act: And in case any Person or Persons shall retail any Rum, mixed or otherwise, or Cordial or Strong Waters contrary to this Act, without having first obtained a License and given Security as aforesaid, he, she, or they, being thereof convicted before any two or more Justices of this Island, by the Oath of any White or free Person, shall, for the first Offence, forfeit the Sum of one hundred Pounds; for the second Offence, two hundred Pounds; and for the third Offence, be bound over to the Sessions, there to be fined, in any Sum not less than two hundred Pounds, nor more than three hundred Pounds, current Money: and every Person or Persons, who shall so obtain a License for retailing Rum or Cordial Waters, or other Strong Waters, shall every three Calendar Months, render an Account on Oath, and pay the Duty aforesaid, to the Treasurer or his lawful Deputy, which Oath shall be as follows:

Rum or Cordial Waters, mixed or otherwise, not to be sold in less Quantities than forty Gallons, without special License; for which 10*l.* is to be paid, and Bond given to Treasurer, &c.

Retailers of Rum, &c. without such License and Security; to forfeit 100*l.* first Offence; 200*l.* second; for third, be bound over for Fine of 200*l.* min. 300*l.* max.

Licensed Retailers of Rum, &c. to account for Duty, to Treasurer on

OATH.

I A. B. do solemnly swear, that I have guaged or measured all the Rum, mixed or otherwise, Cordial or other Strong Waters by me retailed, bartered, exchanged, or otherwise disposed of in less Quantity or Quantities than forty Gallons, at any one Time, for any valuable Consideration, for three Calendar Months last past: And I do further solemnly swear, that I have guaged or measured all the Rum, mixed or otherwise, Cordial or other Strong Waters, by any other Person or Persons whatsoever, for me or upon my Account, or for my Benefit or Advantage, retailed, exchanged, bartered, or otherwise, for any valuable Consideration, disposed of in any less Quantity or Quantities than forty Gallons, at any one Time, to any Person or Persons whatsoever, for which I am now to pay the Duty; and that the Whole which I have, or any Person or Persons for me has or have

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By No. 462,
S. 2. the Words
"to the best
"of my Know-
"ledge and
"Belief" are
to be introduc-
ed into Oath at
Caret.

Persons re-
fusing to ac-
count for on
Oath and pay
Duty, to be
brought be-
fore Treas-
urer by his
Warrant, and
committed till
Payment.

Treasurer to
put Bond in
Suit, &c.

False Account
of Rum, &c.
sold by Retail,
punishable as
wilful Perjury.

Bartering
Rum, &c. to
be deemed
retailing it,
and liable to
Duty and Pe-
nalties under
Act.

have retailed, bartered, exchanged, or otherwise disposed of as aforesaid, does amount to [the Number of] Gallons, and no more, and I do further swear, that I have not, nor have any Person or Persons for me, or on my Account, Benefit or Advantage, evaded this Act, by selling, retailing or otherwise, for any valuable Consideration, disposing of a less Quantity than forty Gallons of Rum, mixed or otherwise, Cordial or other Strong Waters, in Part of forty Gallons or any greater Quantity, unless before the Delivery of such less Quantity in Part of the greater Quantity, there has been a fair and bonâ fide Contract for forty Gallons and upwards, and such Agreement or Contract has been fully executed by me: And I do further swear, that the Duty I am now about to pay by Virtue of this Act, for this Purpose passed, is the just, full, and fair Duty which I ought to pay, without abating it wilfully by any Evasion, Equivocation or secret Reserva-
tion whatsoever ^A

SO HELP ME GOD.

VIII. And be it further enacted, That if any Person or Persons, after having obtained a License, shall refuse or neglect, to give an Account on Oath, and pay the Duty to the Treasurer as aforesaid, the said Treasurer is hereby required to issue his Warrant, and bring such Person or Persons before him; and in case such Person or Persons will not pay the said Duty on Oath as before directed, he, she, or they, shall be committed to the Common Jail, there to remain till the said Duty is paid by himself, or her or themselves, or by his, or her, or their Security; and the said Treasurer shall sue the Security Bond, in any of His Majesty's Courts of Record in this Island, for the Penalty of the said Bond, if the said Duty is not immediately paid, wherein no Essoign, Protection or Wager at Law shall be allowed the Defendants, or either of them; and in case any Person or Persons shall give-in a false Account of the Rum, or Cordial or Strong Waters, sold by Retail as aforesaid, such Person or Persons shall be bound over to the next Sessions, there to be punished as in Cases of wilful Perjury.

IX. And be it further enacted, That all Person or Persons who shall barter, truck, or change Rum, mixed or otherwise, or Cordial or other Strong Waters for Hogs, Goats, Fowls, or any other Provisions or Necessaries, shall be deemed Retailers of Rum within this Act, and shall be liable to the Duty aforesaid, and all Penalties imposed by this Act for retailing Rum without License.

X. And whereas many Persons, not having obtained License as aforesaid, in Defiance of the Regulations and Penalties imposed by
this

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A. D. 1788.

this Act, to the great Detriment of the Revenue hereby intended to be raised, and to the material Injury of those who comply therewith, and pay the License-money and Duty thereby directed, do retail Rum, Cordial Waters, and other Strong Waters in small Quantities, but do it so cautiously and secretly, that they cannot be convicted thereof, by the Testimony of any White, or other free Person : In order, therefore, to put a stop to such illegal Practices, and to answer the good Purposes intended by this Act ; be it enacted, That from and after the Publication of this Act, it shall and may be lawful for the Treasurer, or his Deputy, whenever he shall suspect any Person of retailing Rum, &c. contrary to the Regulations of this Act, and has Cause to believe that the same can be proved by any White or Free Person, (not being, him or herself, the Party suspected,) to make Application to any one of His Majesty's Justices of the Peace for this Island, who is hereby authorized and required, upon such Application, and upon the Treasurer, or his Deputy, making Oath of such Suspicion, and of the Name of the Person by whom he believes the same can be proved, to summon before him the Person suspected, and the Person intended to prove the Offence, and to examine such last-mentioned Person thereto on Oath ; and if it shall appear to such Justice, that the Party suspected is guilty of the Offence laid to his Charge, such Justice shall immediately notify the same to some other one of His Majesty's Justices, who shall have the same Power and Authority to summon the said Witnesses as aforesaid ; and such two Justices shall again hear the Matter, and proceed therein as, by this Act they are directed to do, in Cases of voluntary Information ; and in case the Party so summoned as a Witness, shall neglect or refuse to attend, within twenty-four Hours, before such Justice ; in Consequence thereof, the said Justice, upon Proof of such Summons being duly served upon such Witness, shall immediately issue his Warrant, under his Hand and Seal, directed to any Constable of the said Island, to apprehend and bring such Person before him ; and in case such Person shall refuse to be sworn, in Manner required by such Justice, touching a Breach of this Act, such Justice is hereby authorized to commit the Party, so refusing to be sworn as aforesaid, to the Common Jail of this Island, there to remain till he shall comply and take the Oath so required.

XI. And be it further enacted, That it shall and may be lawful for any Person or Persons, to seize any Rum, Cordial or other Strong Waters, that shall be carried about in Jugs, Kegs, or any other portable Vessels, for Retail, into any of the Streets or Markets of any of

Justice, on Oath of Treasurer naming Person suspected by him of retailing Rum, &c. contrary to Act, and Person in his Belief able to prove Offence, to summon Person suspected and intended Witness :

If Party appear guilty, to notify it to another Justice.

The two Justices to rehear Affair, proceeding as where Information is voluntary.

If Witness fail to attend in twenty-four Hours, Justice to direct his Apprehension ; and, if he refuse to be sworn, to commit him till compliant.

Authority to Persons, generally, to seize Rum, &c. carried about Town or Country in portable

portable Vessels for Sale by Retail.

To be forfeited to Person making Seizure on Certificate of Justice.

Treasurer to retain $2\frac{1}{2}$ per Cent. in full for Services under Act.

Fines, not otherwise disposed, half to Informer, and half to Treasurer.

See S. 15.

Persons not paying immediately, or giving Security for paying Fine in five Days, to be committed by Treasurer.

By No. 474, S. 3. a free Negro or Mulatto obtaining the Sanction of the Court of King's Bench and Grand Sessions, and giving Security, is capable of taking License.

By No. 508, S. 3. if Produce of Duty exceed Governor's Salary, Three-fourths of Surplus to go to Arrears of Nightly Watch in St. John's Parish.

the Towns, or in the High Roads, or any other Parts of the Country, and bring the same before the next Justice of the Peace, which said Rum, Cordial or other Strong Waters, and the Jug, Keg, or other Vessel in which the same was or is contained, shall be forfeited to the Person so seizing the same; and a Certificate shall be given thereof by the Justice to the Person who did seize the same.

XII. And be it further enacted, That the Treasurer shall have and retain, to himself, out of the Monies arising by this Act, for his Trouble in collecting the said Duties, the Sum of two and a half *per Centum*, which shall be in full of all Fees or Demands, for any Services done by him, relating to the securing and collecting of the Tax hereby laid.

XIII. And be it further enacted, That all Fines imposed by this Act and not disposed of, shall be paid, one half to the Informer, and the other half to the Treasurer for the Purpose herein-after mentioned; and in case the same shall not be paid immediately, or sufficient Security given to the Satisfaction of the said Treasurer for Payment of the same within five Days, the Person or Persons, offending, shall be committed to the Common Jail by the Treasurer, until the same be paid.

XIV. And be it further enacted, That *no License* for the Sale of Rum, or other Cordial or Strong Waters, *shall be granted*, by the Treasurer, or his Deputy, unto any *free Negro or Mulatto*; and if any *White Person or Persons, who shall obtain a License*, for the Sale of Rum, or Cordial or Strong Waters, *shall permit any free Negro or Mulatto, to be concerned with him, her, or them, in the Sale of such Rum, Cordial or Strong Waters, either directly or indirectly*, such Person or Persons shall be subject to the same Penalties and Forfeitures as Persons selling Rum, or Cordial Waters, without a License, are herein-before made subject or liable to; any Thing herein-before contained to the contrary thereof notwithstanding.

XV. And be it further enacted, that all Monies arising from the granting of Licenses and the Duties and Fines paid into the Hands of the Treasurer, by Virtue of this Act, shall go and be applied towards the Payment of the Public Debts and Charges of this Island.

XVI. And whereas the last Act, passed by the Captain General and Governor in Chief of His Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Island, for laying a Duty on Rum, Cordial Waters, and other Strong Waters sold by Retail, and for applying the same, expired upon the first Day of *April*, one thousand seven hundred and eighty-seven; but the said Duty

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A. D. 1788.

Duty was, nevertheless, for some Time afterwards collected and received; be it therefore further enacted, That the Treasurer of the said Island of *Antigua*, and all other Persons by him employed, in collecting and receiving the said Duty, since the said first Day of *April*, one thousand seven hundred and eighty-seven, shall be indemnified, from and against all and all Manner of Actions and Suits whatsoever, which shall be commenced or prosecuted against him or them; for or by Reason of the Collection or Receipt of the said Duties, since the said first Day of *April*, one thousand seven hundred and eighty-seven: And in any such Actions or Suits, it shall and may be lawful to and for the said Treasurer, or the Persons by him employed in collecting or receiving the said Tax, to plead the General Issue, and give the special Matter and this Act in Evidence; and if, upon the Trial of such Action or Suit, the Plaintiff or Plaintiffs shall discontinue or become nonsuit, or a Verdict shall pass for the Defendant or Defendants, or Judgment shall be given for the Defendant or Defendants, upon Demurrer or otherwise,—the Defendant or Defendants shall and may recover double Costs, and have such Remedies for the same, as any Defendant or Defendants can or may have, in other Cases, where Costs are given by Law.

Clause of Indemnity to Treasurer and others, having acted under last Act laying Duty on Rum, &c. since its Expiration.

XVII. And be it enacted, That this Act shall continue and be in force for the Space of one Year from the Day of the Publication thereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

In force by Act of 50th March, 1803, (No. 573,) for one Year and till the Meeting of the Houses.

Dated at *Antigua*, the sixth Day of *September*, in the Year of our Lord, one thousand seven hundred and eighty-eight, and in the twenty-eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

JOHN BURKE, *Speaker*.

Passed the Assembly, the fourth Day of *September*, one thousand seven hundred and eighty-eight.

Passed the Council, the fourth Day of *September*, one thousand seven hundred and eighty-eight.

By Command,

WILLIAM DENBOW,
Clerk of the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

4 B 2

Assented

28th Geo. III.

Nis. 456—458.

A. D. 1788.

Assented to by the Governor in Chief, the sixth Day of *September*, in the Year of our Lord one thousand seven hundred and eighty-eight.

JOHN (L. S.) NUGENT.

ANTIGUA. Published, this nineteenth Day of *September*, in the Year of our Lord, one thousand seven hundred and eighty-eight.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 457. *An Act for reviving and continuing an Act, intituled, An Act for establishing and regulating a nightly Watch in the Town of Saint John; and for assessing and levying a Tax, on the Proprietors and Inhabitants of Houses in the said Town, to defray the Charges thereof.*

EXPIRED.

Dated 1st December, 1788.

No. 458. *An Act for reviving and continuing an Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual support of Credit; and also, diverse other Acts for continuing, reviving, altering, and amending an Act for establishing Courts of Common Pleas,*

EXPIRED.

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Nis. 458 — 460.

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Pleas, Error, King's Bench, and Grand Sessions ; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts ; and for the better regulating and settling due Methods for the Administration of Justice ; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island ; and, more effectual support of Credit.

Dated 1st December, 1788.

An Act for reviving and continuing an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island ; and for the further Regulation of the said Militia ; and fixing and appointing the Times when Martial Law shall be in force in this Island ; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia, at those Times.

No. 459.
EXPIRED.

Dated 13th December, 1788.

An Act for compelling the Attendance of certain Peace Officers at the Courts of Common Pleas of this Island.

No. 460.

WHEREAS the Attendance of Peace Officers, as Constables, is frequently wanted, to assist in preserving good Order, and necessary Decorum in the Court of Common Pleas of this Island, such Peace Officers not being bound to attend by any Law hitherto made ; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief for the time being of Your Majesty's

PREAMBLE.

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No. 460.

A. D. 1789.

ACT.
Two Constables to attend
Sittings of
Common
Pleas.

Penalty for
Default same
as Jurors.

Marshal to
summon Con-
stable by
written No-
tice, four
Days previ-
ous.

No Constable
liable to at-
tend twice,
till every other
Constable has
attended once.

Marshal neg-
lecting, or
partially sum-
moning Con-
stables liable
to Penalties.

The Act re-
ferred to (No.
458) is expir-
ed.

jesty's *Leeward Caribbee* Islands in *America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That, at every Meeting of the said Court of Common Pleas, two Constables serving for the Town of *Saint John*, shall be, and are hereby compelled to attend with their Staves, upon Summons or Notice, duly issued to them by the Provost Marshal of the said Island, or his lawful Deputy, under such Forfeitures and Penalties for a Neglect or Default of such Attendance, in all Respects whatsoever, as the said Court is authorized and empowered to inflict on Persons making Default in Appearance as Jurors.

II. And be it enacted and ordained by the Authority aforesaid, That the said Provost Marshal, or his said Deputy, is hereby required to summon at each Meeting of the said Court, two Constables of the said Town, four Days before the Day of his Appearance is required, by a short Notice in Writing directed to each Constable, to be left at his usual Place of Abode, in the Manner directed for serving a Summons to a Juror.

III. Provided always, That no Constable shall be liable to be summoned, twice, to such Attendance as aforesaid, until every other Constable appointed to serve for the said Town, and being actually resident on the Island, shall have been once summoned and attended accordingly.

IV. And be it further enacted and ordained by the Authority aforesaid, That the said Provost Marshal, or his said Deputy, neglecting to summon Constables as hereby directed, or partially summoning them contrary to the Proviso aforesaid, he the said Provost Marshal, or his said Deputy, shall be liable to such Fines, to be inflicted, recovered, and applied in such Manner as particularly is set forth and directed in and by the nineteenth Clause of the Act of this Island, intituled, *An Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and more effectual support of Credit; and also, diverse other Acts for continuing, reviving, altering, and amending an Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other*

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other Contracts ; and for the better regulating and settling due Methods for the Administration of Justice ; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island ; and, more effectual support of Credit, respecting a failure of Duty in duly summoning Jurors.

V. And be it also further enacted and ordained by the Authority aforesaid, That no Person serving as Constable for the said Town, by reason of the Attendance herein required, shall be liable to be summoned as a Juror, at any of the said Courts of Common Pleas ; and that all and every such Person, is hereby exempted and discharged, from serving on Juries at the said Courts, during his Office as Constable aforesaid ; any Law, Usage, or Custom to the contrary, in any wise notwithstanding.

Constable attending Courts exempted from serving on Jury.

Dated at *Antigua*, the second Day of *March*, in the Year of our Lord one thousand seven hundred and eighty-nine, and in the twenty-ninth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker.*

Passed the Assembly, the twenty-sixth Day of *February*, one thousand seven hundred and eighty-nine.

Passed the Council, the twenty-sixth Day of *February*, one thousand seven hundred and eighty-nine.

By Command,

WILLIAM G. DENBOW,
Clerk of the Assembly.

JOHN HARDCASTLE,
Deputy Secretary.

JOHN (L. S.) NUGENT.

ANTIGUA. Published this twelfth Day of *March*, one thousand seven hundred and eighty-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An

No. 461. *An Act for tracing out and making a new Road, or public Highway, leading from the Town and Parish of Saint John, in the said Island, to the Division of Five Islands, in the same Parish; for empowering the present and succeeding Waywardens of the Southern District of the Division and Parish of Saint John, to purchase the most convenient and proper Plot of Ground, (from John Otto Bayer, the Elder, Esquire,) over which to trace the said intended new Road, and also to purchase a sufficient Quantity of hardwood Piles of the proper Dimensions, for piling in, and preventing the further Encroachments of the Sea, and Preservation of the Land adjacent to the said intended new Road, called the great Market and the Part of Five Islands Road, leading through it, according to the Plan of the same hereunto annexed.*

PREAMBLE.

N.B. *The Acts on the Subject of Roads, are,*
 No. 180,
 204,
 381,
 533,
 561.

WHEREAS the Inhabitants of the Division of Five Islands, in the said Parish of *Saint John*, in the said Island, have, by their Petition, humbly represented to the Legislature of the said Island, that a Part of the public Road or Highway, leading from the said Town of *Saint John* into the said Division of Five Islands, has been entirely overwhelmed and destroyed by the Encroachment of the Sea, whereby the Carriage of the Produce of the said Division of Five Islands, to the public Mart of the Town of *Saint John*, has been greatly impeded and rendered impracticable during the rainy Seasons: And whereas *John Nicholas Beck*, sworn Surveyor appointed for the said Island of *Antigua*, has represented by his Survey, of the said Encroachment of the Sea upon the said original Road, leading from the Town of *Saint John* into the said Division of Five Islands, and of the Land of the said *John Otto Bayer*, the Elder, Esquire, thereunto adjacent, (taken by the Direction of the Honourable the Committee of the Legislature of the said Island, duly appointed to inspect and examine into the State of the Premises,) that he the said *John Nicholas Beck*, in his aforesaid Capacity, had thoroughly investigated the different Situations pointed out to him by the said Committee, between the Sugar Works of the Honorable *John Gray*, and the free Tenancy

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Tenancy of the said *John Otto Bayer*, the Elder, Esquire, now in the Occupation of *John Wilson*, Mill-wright, situated on the South East Part of the Plot of Ground called the *Great Market*; and that he found none of the Situations so pointed out by the said Committee so fit for the Purpose of making a new Road, in place of the original Road destroyed as above-mentioned, as a Spot of Ground the Property of the said *John Otto Bayer*, the Elder, Esquire, distant from the Sea about one hundred and twenty-five Feet, and running in a Direction nearly parallel to the Road which has been destroyed; the Content of which Spot of Ground is one Acre, two Roods, and nineteen Perches, whereof one Acre, one Rood, and thirty Perches is Cane Land, and twenty-nine Perches, Pasture Land; and also that the Land adjacent to the Harbour, in Danger of being further destroyed by the Sea, and which it is absolutely necessary and expedient to pile in, contains two hundred and fifty Feet in Length, which, he had also represented to the said Committee, will require two hundred and fifty hardwood Piles, each of which ought to be at least six Inches Square: And whereas the said Committee of both Houses of Legislature, so appointed to examine the State and Condition of the said Road, have made their Report to each House confirming the Opinion of the said *John Nicholas Beck*; Now, therefore, we, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee Islands in America*, for the time being, and the Council and Assembly of Your Majesty's said Island of *Antigua*, humbly pray Your Most Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That it shall and may be lawful for the Waywardens of the Southern District of the Division of *Saint John* for the time being, to contract for and purchase the said Spot of Land lying between the said free Tenancy, situated at the South East Corner of the said Plot of Ground called the *Great Market*, and the said Sugar Works of the said Honorable *John Gray*; running nearly parallel to the destroyed Road, containing one Acre, two Roods, and nineteen Perches, whereof one Acre, one Rood, and thirty Perches are Cane Land, and twenty-nine Perches, Pasture Land; for the Purpose of making Part of the Road, leading from the Town and Parish of *Saint John*, in the said Island, to the Division of Five Islands, in the same Parish, in the place of the destroyed Road.

II. And be it, and it is hereby further enacted by the Authority aforesaid, That the said Waywardens for the Southern District of the Division of *Saint John* for the time being, are hereby authorized and

Act.
Power to
Waywardens
of Southern
District of *St.*
John to pur-
chase Land
described in
Clause for re-
instating
Road.

Waywardens
may draw on
Treasurer for
Purchase-mo-
ney,

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ney, not ex-
ceeding 200%.
&c.

empowered, to draw upon the Treasurer of the said Island for the time being, for the Purpose of purchasing the said Spot of Land, for any Sum of Money not exceeding two hundred Pounds, current Money of the said Island; and the Treasurer is hereby required to pay the same, on the Title Deeds of the said Purchase being duly lodged and recorded in the Register's Office of the said Island.

No. 180.

III. And whereas, by the sixteenth Clause of an Act, intituled, *An Act for cleaning and repairing common Paths and Highways in this Island*, dated the eleventh Day of April, one thousand seven hundred and twenty-four, it is enacted, that no Path or Way shall be deemed a public Highway, so as to be cleaned or repaired by the public Strength of Slaves sent on the Highways, or any of them, but such Paths and Ways only as, at the Time of passing that Act, are lawful, public, or common Highways, and are Thoroughfares from one Highway into another, or else from some public Highway to the Sea-side of any public Paying-place or Town in this Island, or that leads from a public Highway to any Fort or Guard-house; be it therefore enacted, and it is hereby enacted and ordained by the Authority aforesaid, That the said Spot of Land, lying between the said free Tenancy, situated on the South East Corner of the said Sugar Works of the said Honorable *John Gray*, running nearly parallel to the Part of the original Road washed away by the Sea, so to be purchased by the said Waywardens for the Southern District of the said Division of *Saint John*, shall be deemed and taken as a public Road of the said Island, leading from the said Town of *Saint John* into the remaining Part of the original Road leading into the Division of Five Islands; and the said Road shall, from time to time and at all times hereafter, be cleansed and repaired by the *public Strength of Slaves*, apportioned and sent on the Highways of the said Southern District of the said Division of *Saint John*; and any Waywarden that shall neglect his Duty, by permitting high Roads or public Ways, in the said Southern District of the said Division of *Saint John*, in the said Island, to lie unrepaired and uncleansed, contrary to the said recited Act, shall be prosecuted in the same Manner, and be subject and liable to all the Penalties, in the said recited Act mentioned and contained, for suffering the public Highways to remain unrepaired and uncleansed.

Said Land to
be purchased,
to be deemed
a public Road.

See Act of 21st
Feb. 1799,
(No. 533.)

Waywarden
not repairing
Roads in said
Southern Dis-
trict, liable to
Penalties in
No. 180.

IV. And whereas it is deemed necessary and expedient, that a Part of the Land adjacent to the Harbour of *Saint John*, which is in Danger of being further encroached upon, and destroyed by the Influx of the Sea, for the Length of two hundred and fifty Feet, described in the Report and Plan of the said *John Nicholas Beck*, should be piled in,
in

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in order to preserve and support the said intended new Road, from any further Destruction by subsequent Influxes of the Sea thereupon; and also that two hundred and fifty hardwood Piles, each of which ought to be at least six Inches Square, will be requisite to pile in the Part of the said Land; therefore be it, and it is hereby enacted by the Authority aforesaid, That the said Waywardens for the Southern District of the said Division of *Saint John*, for the time being, shall, and are hereby authorized and empowered to contract-for and purchase the necessary Number of two hundred and fifty hardwood Piles, of the necessary Dimensions aforesaid, and also to contract with any Workman or Undertaker in the said Island, who shall be found competent in the Business of piling in Land to prevent Inundations of the Sea, and who shall be inclinable to undertake the Completion of the said Work, on the least Estimate of Expense, and the most reasonable Terms: and the said Waywardens, for the time being, appointed for the said Southern District of the said Division of *Saint John*, shall, and are hereby authorized and empowered to draw upon the Treasurer of the said Island, for such Sum and Sums of Money, not exceeding three hundred and thirty Pounds, current Money, for the Purpose of defraying the Charges and Expense to be incurred for the Purchase of the said Number of Piles of the Dimensions aforesaid; and in order to carry the said Contracts into Execution, the said Treasurer of the said Island is hereby ordered and directed to advance, from time to time, and pay such Sum or Sums of Money, as shall be found requisite to defray the Expense of the same, according to the Order, Directions, and Appointment of the said Waywardens of the said Division.

Waywardens
empowered to
contract for
250 hardwood
Piles, &c.

To draw on
Treasurer,
&c.

Dated at *Antigua*, the twenty-seventh Day of *March*, in the Year of our Lord one thousand seven hundred and eighty-nine, and in the twenty-ninth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, the twenty-sixth Day of *February*, one thousand seven hundred and eighty-nine.

WILLIAM G. DENBOW,
Clerk of the Assembly.

Passed the Council, this twenty-sixth Day of *March*, one thousand seven hundred and eighty-nine.

By Command,
JOHN HARDCASTLE,
Deputy Secretary.

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Nis. 461, 462.

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Passed the Governor, the twenty-seventh Day of *March*, one thousand seven hundred and eighty-nine.

JOHN (L. S.) NUGENT.

ANTIGUA. Published this tenth Day of *April*, one thousand seven hundred and eighty-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 462. *An Act for continuing and amending An Act, intituled, An Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same.*

REVIVED,
with several
correlative
Acts, by Act
of 30th March,
1803, (No.
573.)
See original
Act of 6th Sep.
1788, (No.
456.)

PREAMBLE.
No. 456.

WHEREAS an Act, intituled, *An Act for laying certain Duties on Licenses to be taken out by all Persons acting as Tavern Keepers, Punch-house Keepers, or Retailers of Wines, Rum, or other Liquors; and imposing Duties on Rum, Cordial Waters, and other Strong Waters sold by Retail; and for applying the same* doth expire on this Day; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief in and over all Your Majesty's *Leeward Caribbee Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted by the Authority aforesaid, That the said Act, with the Alterations and Amendments herein-after particularly mentioned, shall remain and continue in full Force and Virtue for the Space of one Year from the Date hereof, and, from thence, to the next Meeting of the Council and Assembly of this Island.

ACT.
No. 456, as al-
tered, to be in
force for one
Year.

Since revived
by No. 573.

Oath in No.
456, S. 7.
amended.

II. And be it also enacted by the Authority aforesaid, That instead of the Oath, appointed to be taken by Retailers of Rum and Cordial Waters by the said Act, the following Oath shall be administered,
that

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Nis. 462, 463.

A. D. 1789.

that is to say, The Oath in the said Act particularly mentioned, with the Addition of the Words "to the best of my Knowledge and Belief," between the Words "whatsoever" and "So help me God."

Dated at *Antigua*, the twenty-third Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-nine, and in the twenty-ninth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, the twenty-second Day of *October*, one thousand seven hundred and eighty-nine.

Passed the Council, the twenty-second Day of *October*, one thousand seven hundred and eighty-nine.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

JOHN (L. S.) NUGENT.

Published this twenty-fourth Day of *October*, one thousand seven hundred and eighty-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for the more easy Recovery of Rent.

WHEREAS it is necessary that the Defects of the Common Law respecting the Recovery of Rent in this Island should be remedied; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Commander in Chief of Your Majesty's *Leeward Caribbee* Islands in *America*, for the time being, and the Council and Assembly of this Your Majesty's Island *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and

No. 463.

MADE PERPETUAL by
Act of 2d Nov.
1793, (No.
489.)

ACT.
If Tenant do
not, in five
Days after
Distress for
Rent and No-
tice, replevy,
—Goods dis-
trained to be
appraised and
sold.

Produce of
Sale to go in
Satisfaction of
Rent and Ex-
penses.

Surplus to
Owner.

On Pound-
Breach or
Rescue of
Goods dis-
trained, Per-
son grieved
to have Ac-
tion against
Offender; and
treble Dama-
ges, &c.

If no Rent
due to Per-
son distrain-
ing, Owner of
Goods to re-
cover double
Damages and
full Costs.

and be it, and it is hereby enacted and ordained by the Authority of the same, That from and after the Publication of this Act, where any Goods or Chattels shall be distrained for any Rent, reserved and due upon any Demise, Lease, or Contract whatsoever, and the Tenant or Owner of the Goods so distrained, shall not,—within five Days next after such Distress taken, and Notice thereof, with the Cause of such Taking, left at the chief Dwelling-house, or other most notorious Place of the Premises charged with the Rent distrained for,—replevy the same, with sufficient Security to be given to the Provost Marshal, or Deputy Provost Marshal, according to Law; that then and in such Case, after such Distress and Notice as aforesaid, and Expiration of the said five Days, the Person distraining shall and may, with the Provost Marshal, or Deputy Provost Marshal, or Constable of the Division or Town where such Distress shall be taken, (who are hereby required to be aiding and assisting therein,) cause the Goods and Chattels so distrained to be appraised by two sworn Appraisers, whom such Provost Marshal, or Deputy Provost Marshal, or Constable is hereby empowered to swear to appraise the same truly, according to the best of their Understanding; and, after such Appraisement, shall and may, lawfully, sell the Goods and Chattels so distrained, for the best Price that can be gotten for the same, towards Satisfaction of the Rent for which the said Goods and Chattels shall be distrained, and of the Charges of such Distress, Appraisement, and Sale, leaving the Overplus (if any) in the Hands of the said Provost Marshal, Deputy Provost Marshal, or Constable, for the Owner's Use.

II. And be it enacted by the Authority aforesaid, That, upon any Pound-breach, or Rescue of Goods or Chattels distrained for Rent, the Person or Persons grieved thereby shall, in a special Action upon the Case for the Wrong thereby sustained, recover his and their treble Damages and Costs of Suit, against the Offender or Offenders in any such Rescue or Pound-breach, any or either of them, or against the Owners of the Goods distrained, in case the same be, afterwards, found to have come to his Use or Possession.

III. Provided always, and be it further enacted, That in case any such Distress and Sale as aforesaid, shall be made by Virtue or Colour of this present Act, for Rent pretended to be in arrear and due, where in Truth no Rent is in arrear or due, to the Person or Persons distraining, or to him or them in whose Name or Names, or Right, such Distress shall be taken as aforesaid; that then the Owner of such Goods or Chattels, distrained and sold as aforesaid, his

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his Executors or Administrators, shall and may, by Action of Trespass, or upon the Case, to be brought against the Person or Persons so distraining, any or either of them, his or their Executors or Administrators, recover double the Value of the Goods or Chattels so distrained and sold, together with full Costs of Suit.

IV. And be it further enacted by the Authority aforesaid, That, from and after the Publication of this Act, no Goods or Chattels whatsoever, lying and being in or upon any Messuages, Lands, or Tenements which are or shall be leased for Life, or Lives, Term of Years, at Will, or otherwise, shall be liable to be taken by Virtue of any Execution, on any Pretence whatsoever, unless the Party, at whose Suit the Execution is sued out, shall, before the Removal of such Goods from off the said Premises by Virtue of such Execution or Extent, pay to the Landlord of the said Premises, or his Bailiff, all such Sum or Sums of Money as are or shall be due for Rent of the said Premises, at the Time of the taking such Goods or Chattels by Virtue of such Execution: Provided the said Arrears of Rent do not amount to more than one Year's Rent: And in case the said Arrears shall exceed one Year's Rent, then the said Party at whose Suit such Execution is sued out, paying the said Landlord or his Bailiff one Year's Rent, may proceed to execute his Judgment as he might have done before the Making of this Act; and the Provost Marshal, or Deputy Provost Marshal, is hereby empowered and required, to levy, and pay to the Plaintiff, as well the Money so paid for Rent, as the Execution-money.

V. And be it further enacted by the Authority aforesaid, That in case any Lessee for Life, or Lives, Term of Years, at Will, or otherwise, of any Messuages, Lands, or Tenements, upon the Demise whereof any Rents are or shall be reserved or made payable, shall, from and after the Publication of this Act, fraudulently or clandestinely convey or carry, off or from such demised Premises, his Goods or Chattels, with Intent to prevent the Landlord or Lessor from distraining the same, for Arrears of such Rent so reserved as aforesaid, it shall and may be lawful to and for such Lessor or Landlord, or any Person or Persons by him for that Purpose lawfully empowered, within the Space of five Days next ensuing such conveying away, or carrying off such Goods or Chattels as aforesaid, to take and seize such Goods and Chattels wheresoever the same shall be found, as a Distress for the said Arrears of such Rent, and the same to sell or otherwise dispose of, in such Manner as if the said Goods and Chattels had actually been distrained by such Lessor or Landlord, in and upon such

Goods taken in Execution, not to be removed from Premises, before Payment of Arrears to Landlord, not exceeding one Year's Rent.

Party suing Execution paying one Year's Rent, may proceed to Execution as before Act. Marshal to levy and pay Plaintiff such Rent with Execution-money.

If Tenant remove Goods, to elude Distress for Arrears of Rent, Landlord may distrain on them for five Days, where-ever found:—

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But Landlord cannot seize, for Arrears, Goods *bonâ fide* previously sold for a valuable Consideration.

such demised Premises, for such Arrears of Rent; any Law, Custom, or Usage to the contrary in anywise notwithstanding: Provided nevertheless, that Nothing in this Act contained, shall extend, or be construed to extend, to empower such Lessor or Landlord to take or seize any Goods or Chattels, as a Distress for Arrears of Rent which shall be sold *bonâ fide* and for a valuable Consideration before such Seizure made, any Thing herein contained to the contrary notwithstanding.

Landlord may distrain, on Tenant hold-over, after Determination of Lease:

Such Distress must be in six Months from End of Lease, during Landlord's Title, and while Tenant in arrear is in Possession.

Distress not unlawful through subsequent Irregularity, nor Party a Trespasser *ab initio*: but Party aggrieved to recover Satisfaction for the precise Damage and no more, with full Costs.

Previous Tender of Amends to bar Action.

In Actions of Trespass, &c. for Entry or Seizure by Persons entitled to Rent, Defendant

VI. And whereas, Tenants *per auter vie*, and Lessees for Years, or at Will, frequently hold-over the Tenements to them demised, after the Determination of such Leases: And whereas after the Determination of such, or any other Leases, no Distress can, by Law, be made for any Arrears of Rent, that grew due, on such respective Leases, before the Determination thereof; it is hereby further enacted by the Authority aforesaid, That, from and after the Publication of this Act, it shall and may be lawful for any Person or Persons, having any Rent in arrear or due upon any Lease for Life, or Lives, or for Years, or at Will, ended or determined, to distrain for such Arrears after the Determination of the said respective Leases, in the same Manner as they might have done, if such Lease or Leases had not been ended or determined: Provided that such Distress be made, within the Space of six Calendar Months after the Determination of such Lease, and during the Continuance of such Landlord's Title or Interest, and during the Possession of the Tenant from whom such Arrears became due.

VII. And be it further enacted by the Authority aforesaid, That where any Distress is made, for any Kind of Rent justly due, and any irregular or unlawful Act it afterwards done by the Party distraining, or his Agent, the Distress itself shall not be therefore deemed unlawful, nor the Party a Trespasser *ab initio*: but the Party aggrieved by such unlawful Act, shall recover full Satisfaction for the special Damage thereby sustained, and no more, in an Action of Trespass or on the Case, at his Election; and if he recover in such Action, shall also have full Costs of Suit; but the Tenant shall not recover in any such Action, if Tender of Amends hath been made, by the Party distraining or his Agent, before such Action brought.

VIII. And be it further enacted by the Authority aforesaid, That in all Actions of Trespass, or on the Case brought against any Person entitled to any Kind of Rents or Services, or his Bailiff, or other Person, relating to any Entry by Virtue of this Act, or otherwise, upon

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upon the Premises chargeable with such Rent or Service, or to any Distress, or Seizure, or Sale, or Disposal of any Goods thereupon, the Defendant may plead the General Issue, and give the special Matter in Evidence; and if the Plaintiff be nonsuited, discontinue, or have Judgment against him, the Defendant shall recover double Costs of Suit.

Defendant
may plead Ge-
neral Issue,
&c.;

and, if Suit
fail, have
double Costs.

IX. And be it enacted, That in case any Tenant or Tenants, for any Term of Life, Lives, or Years, or other Person or Persons, who are or shall come into Possession of any Lands, Tenements, or Hereditaments, by, from, or under, or by Collusion with such Tenant or Tenants, shall wilfully hold-over any Lands, Tenements, or Hereditaments after the Determination of such Term or Terms, and after Demand made, and Notice in Writing given for delivering the Possession thereof, by his or their Landlords, or Lessors, or the Person or Persons to whom the Remainder or Reversion of such Lands, Tenements, or Hereditaments shall belong, his or their Agent or Agents thereunto lawfully authorized; then, and in such Case, such Person or Persons so holding-over, shall, for and during the Time he, she, or they shall so hold-over, or keep the Person or Persons entitled out of Possession of the said Lands, Tenements, and Hereditaments as aforesaid, pay to the Person or Persons, so kept out of Possession, their Executors, Administrators, or Assigns, at the Rate of double the yearly Value of the Lands, Tenements, and Hereditaments so detained, for so long Time as the same are detained; to be recovered, in any of His Majesty's Courts of Record, by Action of Debt, whereunto the Defendant or Defendants shall be obliged to give special Bail; against the Recovering of which said Penalty there shall be no Relief in Equity.

Tenant, or
Person in Col-
lusion with
Tenant, hold-
ing-over after
Expiration of
Term, and
Notice in
Writing to
deliver Posses-
sion,—to pay
double the
yearly Value.

Recoverable
by Action.
Defendant to
give special
Bail.
No Relief in
Equity.

X. And whereas great Inconveniencies do frequently happen, to Lessors and Landlords, in Cases of Re-entry for Nonpayment of Rent, by reason of the many Niceties that attend Re-entries at Common Law; and, forasmuch as when a legal Re-entry is made, the Landlord or Lessor must be at the Expense, Charge, and Delay of recovering in Ejectment, before he can obtain the actual Possession of the demised Premises; and it often happens, that, after such a Re-entry made, the Lessee or his Assignee, upon one or more Bills filed in a Court of Equity, not only holds-out the Lessor or Landlord, by an Injunction, from recovering the Possession, but likewise, pending the said Suit, do run much more in Arrear, without giving any Security for the Rents due when the said Re-entry was made, or which shall or do afterwards incur: For Remedy whereof, be it en-

When half a Year's Rent due, Landlord, having Right of Re-entry for Nonpayment, may, without Demand or Re-entry, serve Declaration in Ejectment, or affix Declaration, &c.

If, after Judgment against casual Ejector &c. or on Trial, it be proved by Affidavit, that Distress equal to Arrears was not on the Premises, and that Lessor in Ejectment had Power to re-enter; then such Lessor to have Judgment, &c. as if Demand and Re-entry had been made.

Lessee, suffering Ejectment, without paying Arrears and full Costs, and without filing Bill in six Months, foreclosed Relief; except by Writ of Error; and Landlord to hold discharged of Lease.

If Verdict, on Ejectment, for Defendant, (Defendant confessing

acted by the Authority aforesaid, That, in all Cases between Landlord and Tenant, as often as it shall happen that one Half-year's Rent shall be in arrear, and the Landlord or Lessor to whom the same is due, hath Right, by Law, to re-enter for the Nonpayment thereof; such Landlord or Lessor shall and may, without any formal Demand or Re-entry, serve a Declaration in Ejectment for the Recovery of the demised Premises; or, in case the same cannot be legally served, or no Tenant be in actual Possession of the demised Premises, then to affix the same upon the Door of any demised Messuage; or, in case such Ejectment shall not be for the Recovery of any Messuage, then upon some notorious Place of the Lands, Tenements, or Hereditaments comprized in such Declaration in Ejectment; and such Affixing shall be deemed legal Service thereof; which Service, or Affixing such Declaration in Ejectment, shall stand in the Place and Stead of a Demand and Re-entry; and if, in case of Judgment against the casual Ejector, or Nonsuit for not confessing Lease, Entry, and Ouster, it shall be made appear, to the Court where the said Suit is depending, by Affidavit, or be proved upon the Trial in case the Defendant appears, that half a Year's Rent was due before the said Declaration was served, and that no sufficient Distress was to be found on the demised Premises countervailing the Arrears then due, and that the Lessor or Lessors in Ejectment had Power to re-enter; then, and in every such Case, the Lessor or Lessors in Ejectment shall recover Judgment and Execution, in the same Manner as if the Rent in arrear had been legally demanded, and a Re-entry made; and in case the Lessee or Lessees, his, her, or their Assignee or Assignees, or other Person or Persons claiming or deriving under the said Lease, shall permit and suffer Judgment to be had and recovered on such Ejectment, and Execution to be issued thereon, without paying the Rent and Arrears, together with full Costs, and without filing any Bill, or Bills, for Relief in Equity within six Calendar Months after such Execution executed; then, and in such Case, the said Lessee or Lessees, his, her or their Assignee or Assignees, and all other Persons claiming and deriving under the said Lease, shall be barred and foreclosed from all Relief or Remedy in Law or Equity, other than by Writ of Error for Reversal of such Judgment, in case the same shall be erroneous; and the said Landlord or Lessor shall, from thenceforth, hold the said demised Premises discharged from such Lease: And if, on such Ejectment, Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited therein, (except for the Defendant or Defendants

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Defendants not confessing Lease, Entry, and Ouster,) then, and in every such Case, such Defendant or Defendants shall have and recover his, her, and their full Costs: Provided always, that nothing herein contained, shall extend to bar the Right of any Mortgagee or Mortgagees of such Lease, or any Part thereof, who shall not be in Possession, so as such Mortgagee or Mortgagees shall and do, within six Calendar Months after such Judgment obtained and Execution executed, pay all Rent in arrear, and all Costs and Damages sustained by such Lessor, Person or Persons entitled to the Remainder or Reversion as aforesaid, and perform all the Covenants and Agreements which, on the Part and Behalf of the first Lessee or Lessees, are and ought to be performed.

confessing
Lease, &c.)
Defendant to
have full
Costs.

Nothing here-
in to bar Right
of Mortgagee
of Lease, not
in Possession,
paying Ar-
rears and
Costs in six
Months.

XI. And be it enacted by the Authority aforesaid, That in case the said Lessee or Lessees, his or their Assignee or Assignees, or other Person or Persons, claiming any Right, Title, or Interest, in Law or Equity, of, in, or to the said Lease, shall, within the Time aforesaid, file one or more Bill or Bills for Relief, in any Court of Equity; such Person or Persons shall not have, or continue any Injunction against the *Proceedings at Law* on such Ejectment, unless he, she, or they do, or shall, within forty Days next after a full and perfect Answer shall be filed by the Lessor or Lessors of the Plaintiffs in such Ejectment, bring into Court, and lodge with the proper Officer such Sum and Sums of Money as the Lessor or Lessors of the Plaintiff in the said Ejectment shall, in his, her, or their Answer, swear to be due and in arrear, over and above all just Allowances, and also the Costs taxed in the said Suit, there to remain till the Hearing of the Cause, or to be paid-out to the Lessor or Landlord on good Security, subject to the Decree of the Court: and in case such Bill or Bills shall be filed, within the Time aforesaid, and after Execution is executed, the Lessor or Lessors of the Plaintiff shall be accountable only for so much, and no more as he, she, or they shall, really and *bonâ fide*, without Fraud, Deceit, or wilful Neglect, make of the demised Premises, from the Time of his, her, or their entering into the actual Possession thereof; and if what shall be so made, by the Lessor or Lessors of the Plaintiff, happen to be less than the Rent reserved on the said Lease, then the said Lessee or Lessees, his, her, or their Assignee or Assignees, before he, she, or they shall be restored to his, her, or their Possession or Possessions, shall pay such Lessor or Lessors, or Landlord or Landlords, what the Money, so by them made, fell short of the reserved Rent,

Lessee filing
Bill in time,
not to have
Injunction,
unless in forty
Days, after
Plaintiff's An-
swer, he de-
posit in Court
what Plaintiff
swears due,
with Allow-
ances, taxed
Costs, &c.

to remain; or
be paid, on
Security, to
Lessor; as
Court directs.

Lessor in Pos-
session ac-
countable
only for what
he *bonâ fide*,
and without
Negligence,
makes;

if less made
than reserved
Rent, Lessee,
before being
restored to
Possession, to
make up Dif-
ference.

If Tenant,
before Trial,
pay or tender
Landlord, or
pay into Court
Arrears and
Costs; Pro-
ceedings to
cease.

Lessee filing
Bill and ob-
taining Relief,
to hold with-
out new
Lease.

Where Agree-
ment not by
Deed, Land-
lord to reco-
ver, in *Action*
on the Case,
reasonable Sa-
tisfaction;

and Evidence
of *Parole De-
mise*, &c. not
to nonsuit
Plaintiff; but
be used to fix
Quantum of
Damages.

Act perpetual
by No. 489.

for the Time such Lessor or Lessors of the Plaintiff, Landlord, or Landlords held the said Lands: Provided always, and be it further enacted and ordained, that if the Tenant or Tenants, his, her, or their Assignee or Assignees do or shall, at any Time before the Trial in such Ejectment, pay or tender to the Lessor or Landlord, his Executors or Administrators, or his, her, or their Attorney in that Case, or pay into the Court, where the same Cause is depending, all the Rent and Arrears, together with the Costs; then, and in such case, all further Proceedings on the said Ejectment shall cease and be discontinued: and if such Lessee or Lessees, his, her, or their Executors, Administrators, or Assigns shall, upon such Bill filed as afore-said, be relieved in Equity, he, she, or they shall have, hold, and enjoy the demised Lands, according to the Lease thereof made, without any new Lease to be thereof made to him, her, or them.

XII. And to obviate some Difficulties that, many Times, occur in the Recovery of Rents, where the Demises are not by Deed; be it further enacted by the Authority aforesaid, That, from and after the Publication of this Act, it shall and may be lawful to and for the Landlord or Landlords, where the Agreement is not by Deed, to recover a reasonable Satisfaction for the Lands, Tenements, or Hereditaments held or occupied by the Defendant or Defendants, in an Action on the Case, for the Use and Occupation of what was so held or enjoyed; and if, in Evidence on the Trial of such Action, any *Parole Demise* or any Agreement (not being by Deed) whereon a certain Rent was reserved shall appear, the Plaintiff in such Action shall not therefore be nonsuited; but may make Use thereof, as in Evidence of the Quantum of the Damages to be recovered.

XIII. And be it enacted and ordained by the Authority aforesaid, That this Act shall continue and be in force for the Space of *three Years* from the Day of the Publication hereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Dated at *Antigua*, the twenty-third Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-nine, and in the twenty-ninth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed

ISLAND OF ANTIGUA.

569

29th Geo. III.

Nis. 463, 464.

A. D. 1789.

Passed the Assembly, the twenty-sixth Day of *February*, one thousand seven hundred and eighty-nine.

Passed the Council, the twenty-second Day of *October*, one thousand seven hundred and eighty-nine.

WILLIAM G. DENBOW,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

JOHN (L. S.) NUGENT.

Published this twenty-fourth Day of *October*, one thousand seven hundred and eighty-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An Act for reviving, amending, and further continuing an Act, intituled, An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same; and for indemnifying the Collector of the said Duty.

No. 464.
Act of 26th June, 1802, (No. 566), which revives original Act of 20th July, 1773, (No. 348), suffers this to expire.

WHEREAS an Act, intituled, *An Act for laying a Duty of Powder on all Vessels trading to and from this Island, for the Protection of the Trade of the same*, dated the twentieth Day of *July*, one thousand seven hundred and seventy-three, and since revived, continued, and amended by six other Acts, dated the sixth Day of *January*, one thousand seven hundred and seventy-five, the thirteenth Day of *November*, one thousand seven hundred and seventy-five, the fourth Day of *October*, one thousand seven hundred and seventy-seven, the eleventh Day of *May*, one thousand seven hundred and seventy-nine, the twenty-eighth Day of *December*, one thousand seven hundred and eighty, and the tenth Day of *June*, one thousand seven hundred and eighty-five, did, together with the above-mentioned Acts for reviving, amending, and continuing thereof, expire at the Meeting of the Council and Assembly of this Island next after the twenty-second Day of *June*, one thousand seven hundred and eighty-eight; We, therefore, Your Majesty's most dutiful, loyal, and obedient Subjects,

No. 348.

No. 360.

No. 367.

No. 382.

No. 395.

No. 406.

No. 430.

jects, the Commander in Chief of Your Majesty's *Leeward Caribbee* Islands in *America* for the time being, and the Council and Assembly of this Your Majesty's Island *Antigua*, humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That the said first recited Act, together with the said several Acts for reviving, continuing, and amending thereof, except as hereinafter excepted and repealed, and the Amendments hereinafter made and set forth, shall stand revived, and be and continue in force, from the Day of the Publication hereof, for three Years, and, from thence, to the next Meeting of the Council and Assembly of this Island.

II. And whereas by the said last recited Act, it is enacted, that every Master or Commander of any Ship or Vessel trading to or from this Island, shall, before his Departure from the same, pay into the Hands of the Collector or Receiver that is or shall be appointed for that Purpose, one Fourth-part or Quarter of a Pound of Powder for each Ton, according to the Register of the Ship or Vessel under his Command, (one half of which said Fourth-part or Quarter of a Pound of Powder to be paid in Cannon Powder, and the other half in Pistol Powder:) And whereas, from the considerable Quantity of Powder now in the Magazine of this Island, it is unnecessary, that the whole Quantity of one Quarter of a Pound should be paid in Powder; be it therefore enacted and ordained by the Authority aforesaid, That one half of the Value of the said Quarter of a Pound of Powder shall be paid in Money, valuing common Powder at fifteen Pence, and Pistol Powder at eighteen Pence, *per* Pound, current Gold and Silver Money of this Island; any Thing in this or any other Act to the contrary, in anywise notwithstanding.

III. And be it, and it is hereby enacted by the Authority aforesaid, That all Shallops and Vessels qualified as Sugar Droughers, and not registered at more than sixty Tons, which shall clear for any Island within this Government, are hereby declared to be exempted from the said Powder Duty; any Thing in this or any other Act notwithstanding.

Clause of Indemnity.

IV. And whereas from the Expiration of the said last-mentioned Act, dated the tenth Day of *June*, one thousand seven hundred and eighty-five, the Collector appointed under that, or some of the former recited Acts, hath continued to demand and collect the Duties of Powder, laid and imposed by the said several Acts, in the

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No. 464.

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the Manner and Form heretofore particularly directed and appointed, under an Apprehension that the said Act or Acts would have been continued, or earlier revived, as heretofore it has been customary: And whereas the collecting and receiving the said Duties of Powder hath been of great Benefit to this Island, by furnishing our Magazines with a Supply of that Commodity indispensably necessary for our Defence in Time of War; and that in a Manner both easy and effectual: For quieting, therefore, the said Collector of the said Duties, and for preventing any Disputes or Inconveniencies, which might, otherwise, happen or arise from such Collection of the said Duties, and from omitting sooner to revive the said Acts; be it enacted and ordained by the Authority aforesaid, That the said Collector of the said Duty of Powder, and all and every Person and Persons acting in the said Collection under him, shall be, and are hereby indemnified, freed, and discharged, of, from, and against all Penalties, Fines, Damages, and Recoveries whatsoever, and of, from, and against all Bills, Complaints, Actions, Informations, or Suits whatsoever, which might have been brought, filed, had, or maintained against him or them, any or either of them, by any Person or Persons whomsoever, for any Act, Matter, or Thing done and performed by him the said Collector, or by any other Person or Persons acting in the said Collection, under him, and agreeable to the Directions of the said Act, or any of the said herein recited Acts, during the Term of their Expiration.

V. And it is hereby further enacted and ordained by the Authority aforesaid, That the said Collector, and all and every Person and Persons legally acting under him as before specified, upon being impleaded or proceeded against at Law, as aforesaid, may, and it is hereby declared lawful for them to plead the General Issue, and give this Act in Evidence; any Law, Usage, or Custom to the contrary notwithstanding.

Dated at *Antigua*, the twenty-third Day of *October*, in the Year of our Lord one thousand seven hundred and eighty-nine, and in the twenty-ninth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed

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Nis. 464—466.

A. D. 1789.

Passed the Assembly, the twenty-sixth Day of *March*, one thousand seven hundred and eighty-nine.

Passed the Council, the twenty-second Day of *October*, one thousand seven hundred and eighty-nine.

WILLIAM G. DENBOW,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

JOHN (L. S.) NUGENT.

Published this twenty-fourth Day of *October*, one thousand seven hundred and eighty-nine.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 465.
EXPIRED.

An Act for reviving and continuing an Act, intituled, An Act to alter and amend an Act, intituled, An Act for regulating the Militia of this Island; and for the further Regulation of the said Militia; and fixing and appointing the Times when Martial Law shall be in force in this Island; and declaring and establishing Rules and Articles of War, for the better Government of the said Militia, at those Times.

Dated 14th *January*, 1790.

No. 466.
EXPIRED.

An Act for reviving and continuing an Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the

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Nis. 466—468.

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the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit; *and also, divers other Acts for continuing, reviving, altering, and amending* an Act for establishing Courts of Common Pleas, Error, King's Bench, and Grand Sessions; for the compelling the specific Performance of Money Contracts, and an equitable Performance of other Contracts; and for the better regulating and settling due Methods for the Administration of Justice; and limiting a Time for executing Executions out of the Court of Chancery, and other Courts in this Island; and, more effectual Support of Credit.

Dated 14th January, 1790.

An Act for the more easily and effectually cleaning, repairing, and keeping clean and in repair, the Streets, Lanes, Alleys, and other Passages of the Town of Saint John.

No. 467.
REPEALED
by Act of 29th
July, 1801,
(No. 556,)
S. 1.

Dated 12th February, 1790.

An Act for establishing and regulating a nightly Watch in the Town of Saint John; and for assessing and levying a Tax, on the Proprietors and Inhabitants of Houses in the said Town; and for the more effectual Recovery of all Arrears of Taxes, due and unpaid under the several Acts, heretofore passed, for regulating and establishing the said nightly Watch.

No. 468.
EXPIRED.

Dated 8th June, 1790.

No. 469.

AMENDED by
Act of 4th
Sept. 1799,
(No. 536.)

REVIVED in
last Instance
by Act of 19th
Dec. 1799,
(No. 540.)

An Act supplementary to an Act, intituled, An Act for dividing the Island into Parishes, and Maintenance of Ministers and Poor, and erecting and repairing Churches, made and passed the first Day of July, in the Year of our Lord one thousand six hundred and ninety-two.

PREAMBLE.

No. 80.

WHEREAS in and by an Act, intituled, *An Act for dividing the Island into Parishes, and Maintenance of Ministers and Poor, and erecting and repairing Churches*, it is enacted, that it shall be in the Power of the several Vestries, in their respective Parishes, to raise a reasonable Tax upon the Inhabitants of their respective Parishes, for the Maintenance of the Ministers and Poor, and other Purposes therein mentioned: And whereas a considerable Part of the Trade to and from this Island, in various Branches of Imports and Exports, is, and has been long carried on by, and for the Benefit of transient and non-resident Persons, who pay none of the Taxes that are raised for the Emergencies of the Public of this Island, and yet have the exclusive Advantage of recovering their Demands at all Times of the Year, by applying to a Court Merchant: And whereas it is just and reasonable, that such transient Traders should contribute, in some Proportion, to the Burthens of the Parish of *Saint John*, inasmuch as many of the Poor of the said Parish consist of distressed, transient Persons who arrive in this Island, and take up their Residence in the Town of *Saint John*: And whereas the Vestry of the said Parish hath, annually, made an Assessment on all transient Traders; but the Payment of the Tax hath frequently been evaded, on account of the Defects of the said Act, no Provision being therein made for the effectual levying and collecting such Tax: In order, therefore, to remedy the Defects of the said Act; We, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor in Chief in and over Your Majesty's *Leeward Islands in America*, and the Council and Assembly of this Your Majesty's Island *Antigua*, most humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority of the same, That, from and after the Publication of this Act, it shall and may be lawful for the Vestry of the said Parish of *Saint John*, to raise and levy upon all and every transient and non-resident Trader, who is now within this Island, or who shall hereafter arrive

ACT.
Vestry of *St. John* may levy, on transient Trader, Rate not exceeding 2l.
per

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arrive in this Island, a Rate or Duty not exceeding two Pounds for every hundred Pounds' Value of all Goods, Wares, and Merchandizes by them sold and disposed of.

per Cent. on Value sold by Trader.

II. And be it enacted by the Authority aforesaid, That every Merchant, Trader, Shopkeeper, Supercargo, Master of a Ship or Vessel, and every other Person of what Description soever, who shall vend, sell, barter, exchange, or otherwise, for Gain or Profit, dispose of any Goods, Wares, or Merchandizes whatsoever, by Wholesale or Retail, on-shore, or on the Sea within this Island, or within any of the Ports, Harbours, or Bays, or upon the Coasts thereof, not being at that Time a Resident or Inhabitant having his or her fixed Domicil within this Island, but entitled to claim the Privileges granted to transient Persons, under and by Virtue of an Act to constitute a Court Merchant, shall be deemed, and every such Person is declared to be a transient Trader, within the Meaning of this Act, and liable to pay the Rate or Duty imposed.

Merchant, Master of Vessel, &c. not an Inhabitant of Antigua,—but entitled to call Court Merchant,—selling Goods, &c. on-shore, or on the Coast, liable to Tax.

III. Provided always, That if any trading Person shall either own or rent, for one whole Year or more, and *bonâ fide* occupy a Store, Shop, or House for the Purpose of Trade, within any of the Towns of this Island, and shall have been assessed and paid Taxes, for one Year in respect of the Profits of his Trade, or other Employment, no such Person shall, in respect of his Dealings in this Island, during that Period of Residence, be deemed a transient Trader, or in any Way liable to pay Taxes as such.

'Trader bonâ fide renting Shop, &c. for Year or more, and paying Taxes, not liable to Taxes as a Transient during that Period.

IV. And be it further enacted by the Authority aforesaid, That, after the Publication of this Act, the Master, and also the Supercargo (if any there be) of every Ship, or other Vessel whatsoever, about to depart from this Island, shall, at some convenient short Time, not exceeding eight Days, next previous to the obtaining of the Clearance outwards of such Ship or Vessel, from either of the Custom Houses in this Island, repair to the acting Churchwarden of the Parish of *Saint John* aforesaid, and then and there give-in a true and just Account of the gross Amount, in current Money, of the Sales or Value of all the Goods, Wares, and Merchandizes by them respectively imported for Sale in such Ship or Vessel, on her Arrival in this Island; sepecifying what Part of such Goods have been sold, bartered, or otherwise disposed of for Profit in this Island, or any of the Ports, Harbours, or Bays, or on the Coasts thereof; and what Parts thereof have been lodged in the Hands of any resident Person, and whom by Name, to be sold on Commission, or other Profit;

Master or Supercargo, before obtaining Clearance outwards, to account for Sales, on Oath, before Churchwarden; or [by No. 536, S. 7.] in case of Sickness or Absence of Churchwarden, before Justice of Peace.

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and every such Master and Supercargo, respectively, shall take the following Oath, viz.

OATH.

I A. B. Master [or Supercargo] of the Vessel [as the Case may be] do swear that the Account, by me given-in, of my Trade during the Voyage, contains the just, true, and fair Account of the Sales, or rated Value, of all and every the Goods, Wares, and Merchandizes, which I have sold, bartered, exchanged, or otherwise disposed of, for Gain or Profit, in any Manner, within this Island, or in any of the Ports, Harbours, or Bays, or upon the Coasts thereof, from the Time the Ship or Vessel of which I am Master [or Supercargo as the Case may be] last arrived in this Island, to this Day; and that I have not collusively lodged or deposited, in the Hands of any Person within this Island, under Pretence of Partnership, or of allowing a Commission, or other Profit, on the Sales, or under any other Disguise or Pretext, any Goods, Wares, or other Merchandizes whatsoever, really and truly by me sold, bartered, or otherwise disposed of, with a view of evading the Payment of the Tax on transient Traders, or of lessening the Amount of what I am liable to pay, by Virtue of the Act of this Island in such case made and provided.

SO HELP ME GOD.

Churchwarden to administer Oath; and, if Master alone swear, to interrogate him, to discover Supercargo, Amount of Sales, &c.

Churchwarden to keep List of Masters and Supercargoes taking Oath; and Minute of their Accounts.

(Oath as well by those denying Sale.)

Which Oath the said acting Churchwarden is hereby authorized to administer: and in all cases, where the Master of the Ship or Vessel, only, without the Supercargo, shall appear before the acting Churchwarden, and take the said Oath, the acting Churchwarden shall and may interrogate the said Master, by all such Questions as he shall think equitable, to discover whether there was any Supercargo, and who by Name, of any Part of the Goods imported in such Master's Ship or Vessel, and what was the Amount and Particulars of the Goods so imported by such Supercargo, and how the same were disposed of, to the best of the said Master's Knowledge and Belief, and by all such other Questions, touching the Goods so imported, as may tend to ascertain the Amount of the Rate or Duty which ought to be paid thereon, and the Person or Persons liable, to pay the same, by Virtue of this Act; and the said acting Churchwarden is to keep an exact and perfect List of the several Masters and Supercargoes, who shall have taken the said Oath before him, (which Oath is to be taken, as well by those who shall declare that they have imported no Goods for Sale, as by those who shall have given in an Account of the Amount or Value of the Goods by them sold as aforesaid,) and shall set down, opposite to the Name of every Master

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Master or Supercargo, in the same List, the Account sworn-to by every of them, respectively; and shall demand and receive from every Deponent, respectively, the Rate or Duty imposed by the said Vestry; and the said Churchwarden is to give to every such Master and Supercargo, who shall have complied with the Direction of the Act, a Certificate of his having complied therewith, which Certificate shall be addressed to the principal Naval Officer of this Island, and, for every such Certificate, the acting Churchwarden shall be entitled to *three Shillings*, and no more; and the said Naval Officer, for receiving and filing such Certificate, shall be entitled to demand and receive from every such Master or Supercargo, producing the same, the Sum of *one Shilling and six Pence*, and no more.

Churchwarden to collect Rate, and give Certificate.

Churchwarden's and Naval Officer's Fees.

By No. 536, S. 8. Churchwarden's Fee 8s. 3d. Naval Officer's 4s. 1½d.

V. And be it further enacted by the Authority aforesaid, That the said Naval Officer shall demand and receive, from every Master or Supercargo, who shall apply to have any Ship or Vessel cleared outwards, in order to depart from this Island, such Certificate from the acting Churchwarden; and the said Naval Officer shall detain the Clearance of any Ship or other Vessel, until such Certificate shall be produced to him as aforesaid; and he is moreover required to file and preserve in his Office all such Certificates, so as that Access may be had thereto, whenever Occasion may require: And if the said Naval Officer shall set his Name to the Clearance outwards of any Ship or Vessel, or give any written Permission for any such Ship or Vessel to depart, before the Master, or Person having Charge of such Ship or Vessel, shall have produced, and lodged in the Naval Office such Certificate from the said acting Churchwarden, he shall forfeit and pay, for every such Offence, the Sum of one hundred Pounds, to be recovered by Action of Debt in any Court of Record in this Island, to be prosecuted in the Name of the acting Churchwarden for the time being, who is hereby directed to sue for and recover the same.

Naval Officer to demand and receive Certificate, before giving Clearance outwards;

to file Certificates.

Naval Officer giving Clearance without receiving Certificate, to forfeit 100%;

recoverable by Action at Suit of Churchwarden.

VI. Provided always, That Nothing herein contained, shall extend to require any such Certificate, from the Master of any Vessel qualified to trade as a Drougher of this Island, or from the Master of any Vessel coming, as a Passage Boat, without importing Goods from any of the Islands in the West Indies, or from the Masters or Supercargoes of any *Spanisk* Launch, or other Vessel who shall be permitted to import any Articles from the *Spanisk* Dominions, and who shall obtain Permission to dispose of the same in this Island, or to impose any Rate or Duty whatsoever on the Value of such Articles

Certificate not necessary from Master of Drougher, or Passage-boat; or *Spanisk* Launch, or Vessel trading from *Spanisk* Dominions by Permission.

Cargo in latter, exempted from transient Tax.

False Account, or false Answer on Oath, punishable as Perjury by the Laws of England.

Supercargo, or other Transient departing without giving Account, to forfeit 100%; recoverable as Penalty on Naval Officer in S. 5.

If Tax not paid in two Days after Demand, two Justices in Parish to grant Warrant for Distress and Sale by Out-cry.

Overplus to Owner of Goods.

Constable to retain for Trouble eight per Cent.

articles so imported, or to be imported, in any such *Spanish* Launch, or other Vessel from the *Spanish* Dominions, but all such Articles shall and may be permitted to be sold in Manner heretofore accustomed, without paying the Tax hereby imposed on transient Persons.

VII. And be it further enacted by the Authority aforesaid, That if any Person shall, wilfully, give-in a false Account to the acting Churchwarden, of the Amount and Value of the Goods, Wares, and Merchandizes, for which he is taxable under this Act; or shall, wilfully, make a false Answer, after taking the Oath aforesaid, to any of the Questions to which he shall be interrogated, by the acting Churchwarden, touching the said Goods, Wares, and Merchandizes; every such Person shall be subject to the Pains and Penalties inflicted, on Persons guilty of wilful and corrupt Perjury, by the Laws of *England*: And if any Supercargo, or other transient Person, who shall have imported Goods, shall depart this Island, without going before the acting Churchwarden, and giving-in such Account as is herein-before directed; he shall forfeit and pay the Sum of one hundred Pounds, to be sued for in the same Manner as the Penalty imposed on the Naval Officer is directed to be done: And in case any Person or Persons, shall refuse or neglect to pay such Rate or Tax, so to be assessed, imposed, or raised upon him, her, or them as aforesaid, within two Days after Demand thereof; that, then, it shall and may be lawful for any two Justices of the Peace, residing within the Parish, to grant a Warrant, under their Hands and Seals, directed to a Constable of the said Parish, thereby empowering, requiring, and commanding him to levy the said Rate or Tax, upon all and every such Person and Persons as shall so refuse or neglect to pay the same, by a Distress and Sale of the Goods and Chattels of him, her, or them so refusing or neglecting to pay the same as aforesaid, and to sell such Goods and Chattels at Out-cry; and if any Overplus shall remain upon the Sale of any such Goods and Chattels, then such Overplus shall be returned to the Owner or Owners of such Goods and Chattels by the said Constable, he retaining such reasonable Charges, for his Trouble or Pains in distraining and selling the same, as is herein-after mentioned: and in case any Constable of the Parish, shall levy any such Rate or Tax, so to be imposed and assessed, upon any Person or Persons aforesaid; then, and in such Case, such Constable shall and may retain to himself, for his Pains and Trouble therein, after the Rate of eight Pounds *per Centum*, for all such Money as he shall so levy or raise as aforesaid: and then, and in such Case, such Constable shall be obliged

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obliged to pay into the Hands of the acting Churchwarden of the Parish aforesaid, all and every Sum or Sums of Money whatsoever, as he shall, from time to time, so have levied, within six Days next after his levying the same, under Penalty of fifty Pounds, current Gold and Silver Money of the said Island, to be levied upon his Goods and Chattels by Distress and Sale in Manner aforesaid: And in case any Constable of the Parish, shall neglect or refuse to execute any such Warrant or Warrants as aforesaid, according to the true Intent and Meaning of this Act; that, then, and in such Case, every Constable so offending, shall forfeit the Sum of fifty Pounds, like Money, to be levied by Distress and Sale of his Goods and Chattels in Manner aforesaid: And in case such Defaulter or Defaulters, shall have no Goods and Chattels in the said Parish; then to take and imprison him, her, or them in the Common Jail of this Island, until such Taxes, and all incidental Costs and Charges of Levy, shall be fully paid.

Constable to pay Money levied, to Churchwardens, in six Days, under Penalty of 50*l.* leviable, &c.

Constable neglecting Warrant, to forfeit 50*l.* leviable, &c.

Defaulters not having Goods, to be imprisoned.

VIII. And be it further enacted by the Authority aforesaid, That all Monies to be received by Virtue of this Act, shall be applied towards the Maintenance of the Poor of the said Parish of *Saint John*.

Monies raised to be applied towards maintaining *St. John's* Poor.

IX. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and shall continue in force *for three Years from and after the Publication thereof*.

In force by No. 540, S. 2. from 19th Dec. 1799, for seven Years, and till the Meeting of the Houses.

Dated at *Antigua*, the thirteenth Day of *July*, in the Year of our Lord one thousand seven hundred and ninety, and in the thirtieth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

THOMAS FREEMAN, *Speaker*.

Passed the Assembly, this twenty-fourth Day of *June*, one thousand seven hundred and ninety.

Passed the Council, this eighth Day of *July*, one thousand seven hundred and ninety.

ANTHONY BROWN,
Clerk of the Assembly.

By Command,
WILLIAM MATHEWS,
Deputy Secretary.

Passed

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Passed by the Governor in Chief the thirteenth Day of *July*, one thousand seven hundred and ninety, and in the thirtieth Year of His Majesty's Reign.

THOMAS (L. S.) SHIRLEY.

Published, this fourteenth Day of *July*, one thousand seven hundred and ninety.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

No. 470. *An Act for granting an Aid of Negro Labour to His Majesty, for the Purpose of erecting Works and Fortifications upon Dow's Hill, in this Island.*
EXPIRED.

Dated 31st *July*, 1790.

No. 471. *An Act for the Ease and Relief of several insolvent Debtors confined in the Common Jail of this Island.*
OBSOLETE.

Dated 24th *August*, 1790.

No. 472. *An Act for the more equal Distribution of Estates sold by Virtue of Executions.*

CONFIRMED,
21st October,
1789, by the
King in
Council.

MADE PER-
PETUAL by
Act of 22d
May, 1802,
(No. 563.)

WHEREAS the Practice of confessing Judgments by Virtue of Warrants of Attorney, which hath, for many Years, generally prevailed in this Island of *Antigua*, although in many Respects useful and proper, doth, nevertheless, often occasion a very unequal Distribution of the Estates of the Debtor, the whole of such Estate being often applied to the Satisfaction of the first Writ of Execution: And
whereas

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whereas a more equal Distribution of the Property of such Debtors, will not only, in a great Measure, remedy the said Grievance, but also prevent many undue Advantages which are often taken to procure a Priority of Execution; We, therefore, Your Majesty's, loyal and obedient Subjects, the Governor in Chief of Your Majesty's *Leeward Caribbee* Islands, in *America*, and the Council and Assembly of this Island of *Antigua*, do humbly pray Your Most Excellent Majesty, that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Expiration of twelve Calendar Months next after the Publication of this Act, all Monies received by the Provost Marshal, or Deputy Provost Marshal, of the Island of *Antigua*, under or by Virtue of any Writ or Writs of Execution issued out of the Court of Common Pleas for the said Island, shall be paid and applied by the said Provost Marshal, or Deputy Provost Marshal, in Manner following, that is to say, First, towards the Payment and Satisfaction of all such Writs of Execution as shall have been lodged, in the Office of the said Provost Marshal, or Deputy Provost Marshal, within thirty-nine Days next after the Day, upon which the first Writ of Execution against the Defendant or Defendants, was lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal; in equal Shares or Proportions, according to the Amount of the several Sums of Money, respectively due upon such Executions, without any Regard to the Priority of Time in which such Writs of Execution shall have been, respectively, lodged with the said Provost Marshal, or Deputy Provost Marshal.

II. And be it also enacted and ordained by the Authority aforesaid, That all surplus Monies remaining in the Hands of the Provost Marshal, or Deputy Provost Marshal, after the Satisfaction of the said first mentioned Class of Executions, and all Monies which shall, thereafter, come into the Hands of the said Provost Marshal, or Deputy Provost Marshal, shall be paid and applied towards the equal Discharge of all such other Writs of Execution, against the said Defendant or Defendants, as shall have been lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal, within the Space of thirty-nine Days next after the Day, upon which the first subsequent Writ of Execution, not included in the said *first Class* or Space of thirty-nine Days, shall have been lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal, without any *other* Regard to the Priority of Time in which such Writs

Act.
Monies raised by Marshal under Writ of Execution to be applied towards satisfying in equal Shares with the first, all Writs of Execution lodged in thirty-nine Days after the first.

Surplus Monies remaining with or coming to Marshal after Satisfaction of *first Class* of Executions, to be applied towards discharging, equally first Writ not lodged in Time for first Class, and all Writs lodged in thirty-nine Days after first of *second Class*.

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of Execution were, respectively, lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal.

Surplus Monies remaining with or coming to Marshal after Satisfaction of *second Class* of Executions, to be applied towards the equal Satisfaction of next subsequent Class or Classes; reckoning forty Days to each Class.

III. And be it also enacted and ordained by the Authority aforesaid, that if any surplus Monies shall remain after Payment of the said *second Class* of Executions, or shall thereafter come to the Hands of the said Provost Marshal, or Deputy Provost Marshal, such Surplus or other Monies shall be paid and applied, towards the equal Satisfaction of the next subsequent Class, or Classes of Executions, including, in each Class, such Writs of Execution as shall have been lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal, within thirty-nine Days of each other; such thirty-nine Days to be computed from the Day next after the Day, upon which the first Writ of Execution of each Class, was lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal, without any *other* Regard to the Priority of Time, in which the said Writs of Execution forming, or included in such third, or other subsequent Class, were, respectively, lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal.

Single Writ of Execution not followed in thirty-nine Days by any other Writ of Execution, to have prior Payment, as a distinct Class.

IV. And be it also enacted and ordained by the Authority aforesaid, That if any Writ of Execution shall be lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal, at any Time after the Expiration of any, or either of the said several Terms of thirty-nine Days, and no other Writ or Writs of Execution shall be lodged in the Office of the said Provost Marshal, or Deputy Provost Marshal, within the thirty-nine Days next following; then, such single Writ of Execution shall be deemed and taken, as a distinct and separate Class; and such Writ of Execution shall be wholly paid and satisfied, before any other Writ or Writs of Execution, not lodged, as aforesaid, within the said thirty-nine Days, or any other subsequent Class of Executions shall receive any Part, Share, or Dividend whatsoever.

Act not to extend to Executions, or Processes, for Debts to the Crown; nor to affect legal Rules or Forms in suing out Executions.

V. Provided always, and it is hereby also declared and enacted, That Nothing in this Act contained, shall extend or be construed to extend, to any Writ or Writs of Execution, or other Process, issued for the Recovery of any Debt or Duty to His Majesty, His Heirs or Successors, nor to any Writ or Writs of Execution issued before the Expiration of twelve Calendar Months next after the Publication of this Act, nor to annul or alter any Rules or Regulations, relating to the obtaining, issuing, or levying any Writ or Writs of Execution, nor to dispense with any Deposition or Form, directed or required by any Law or Laws, which now are, or hereafter may be enacted, or in
force

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force, in this Island, nor to affect such Writ or Writs of Execution, or the Forms of Proceeding thereon, in any further or other Manner than is herein-before mentioned.

VI. And be it also enacted by the Authority aforesaid, That this Act shall be and continue in force *for three Years*, to commence at the Expiration of twelve Calendar Months next after the Publication thereof, and from thence to the next Meeting of the Council and Assembly of this Island.

Act made perpetual by No. 563.

VII. And it is hereby further enacted, That this Act shall not be published, until His Majesty's Assent thereto, or Confirmation thereof, shall be duly signified.

Act not to be Published till confirmed.

Dated at *Antigua*, the fourth Day of *November*, in the Year of our Lord, one thousand seven hundred and eighty-six, and in the twenty-seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth.

N.B. The running Date refers to the Time of CONFIRMATION.

JOHN BURKE, *Speaker.*

Passed the Assembly, the sixteenth Day of *March*, in the Year of our Lord one thousand seven hundred and eighty-six.

WILLIAM GILBERT,
Clerk of the Assembly.

Passed the Council, the thirtieth Day of *October*, one thousand seven hundred and eighty-six.

By Command,

JOHN HARDCASTLE,
Deputy Secretary.

Passed by the Governor in Chief, the fourth Day of *November*, one thousand seven hundred and eighty-six.

THOMAS (L. S.) SHIRLEY.

Published this fourth Day of *December*, one thousand seven hundred and ninety.

ROBERT CLOGSTOUN, *Dep. Pro. Marshal.*

An

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No. 473.

REPEALED
by Act of 5th
Aug. 1801,
(No. 556,) S. 1.

An Act to explain and amend an Act, intituled, An Act for the more easily and effectually cleansing, repairing, and keeping clean, and in repair, the Streets, Lanes, Alleys, and other Passages in the Town of St. John.

Dated 31st December, 1790.

END OF THE FIRST VOLUME.

Bayerische
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Rottenburg/L

Brown, Anthony,

The Laws of the Island of Antigua consisting of the Acts of the Leeward Islands, Commencing 8. Novem. 1690 ending 21. April 1798, and the Acts of Antigua commencing 10. April 1668, ending 7. May 1804 ; with prefixed to each Volume, Analytical Tables of the titles of the acts, and at the end
Bd.: 1

London (1805)

4 J.rel. 988-1

urn:nbn:de:bvb:12-bsb10519396-2